Virginia's Western Visions: Political and Cultural Expansion on an Eighteenth-Century Frontier

by

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ABSTRACT

LESLIE SCOTT PHILYAW. Virginia's Western Visions: Political and Cultural Expansion on an Eighteenth-Century Frontier
(under the direction of Don Higginbotham.)

This dissertation uses Virginia as a case study to examine the views of one of the eighteenth century's most eminent elites toward western expansion. Attitudes toward the early West offer a window through which we may glimpse the type of society Virginia's leaders envisioned for the future. Their understanding of the different peoples of the frontier--various Native American nations and Old World immigrants--also sheds light on the cultural and ethnic assumptions of the architects of the American republic.

The Old Dominion expanded rapidly during the eighteenth century until, by the Revolution, Virginia's government claimed jurisdiction over an immense area stretching from Chesapeake Bay to the Mississippi River. During this period the Virginia gentry also broadened their understanding of who could be a Virginian, readily welcoming non-English people into their commonwealth.

Initially, Virginia's elite saw profit and increasing political power for themselves in their vast backcountry. They assumed that jurisdictional expansion

would provide the framework for a similar cultural expansion. Like Old World aristocrats, they believed that they could control both forms of growth. Even as Revolutionary Virginians adopted the ideology of republicanism, they still believed that new western settlements would become appreciative political allies of the Old Dominion.

By the early nineteenth century, the western dreams of the Revolutionary generation had come unraveled. New western states competed with Virginia for markets, settlers, and investments. Wealthy planters abandoned the Old Dominion, taking their portable slave wealth with them. Those who remained behind now saw western threats instead of opportunities, and the guarded optimism of the eighteenth century gave way to dismay and fear in the nineteenth. As Tidewater leaders reconsidered Virginia's relationship with the emerging polities of the Ohio and Mississippi Valleys, they also reconsidered the Commonwealth's remaining western counties between the Blue Ridge and the Ohio River. In the years leading up to the state constitutional convention of 1829-1830, eastern conservatives focused on maintaining their control over Virginia's more populous western counties. As the Civil War approached, Virginians once again wrestled with both the political and cultural meaning of "Virginia."

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Introduction: Virginia's Western Visions

After the Declaration of Independence, Thomas Jefferson may be best known for his connections with the early West. An amateur naturalist, archaeologist, and ethnographer, he filled his extensive library with volumes on the native peoples, geography, flora, and fauna of the North American continent.[1] Not only did Jefferson locate his home farther to the West than did any of the other founders, but, as Merrill Peterson noted, Monticello did, in fact, face West.[2] It is easy to imagine our third president gazing westward across the Blue Ridge as he pondered the intricacies of territorial government or reviewed the reports and specimens sent him by the Lewis and Clark expedition. As he did so, Jefferson followed a well-established path, for Virginia's leaders had concerned themselves with what lay to their west since the colony's founding.

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[1]John Logan Allen, Passage Through the Garden: Lewis and Clark and the Image of the American Northwest (Urbana, Ill., 1975), 61-63.

[2]Charles A. Miller, Jefferson and Nature: An Interpretation (Baltimore, Md., 1988), 15; Merrill D. Peterson, "Jefferson, The West, and the Enlightenment Vision," Wisconsin Magazine of History 70 (1987), 282.

The dissertation uses Virginia to examine the views of one of the eighteenth century's most eminent elites toward western expansion. During the seventeenth century, the colony grew slowly but steadily from its original nucleus at Jamestown. By the Revolution, Virginia claimed jurisdiction over an immense area stretching from Chesapeake Bay to the Mississippi River, and from Kentucky to the Great Lakes. This study argues that western concerns were always among the most pressing issues facing the Old Dominion. Virginia's leaders kept themselves apprised of the threats and opportunities to be found in their hinterland--just as they paid attention to unstable tobacco prices, labor problems with indentured servants and slaves, mounting indebtedness to British factors and merchants, and the rise of religious dissent. Indeed the West was often related to these other concerns. By examining western policies and the presumptions and attitudes that buttressed those policies, it is possible to discover how Virginians expected their society to evolve--in other words, to gain a glimpse into their anticipated future. This same examination also illuminates the changing self-identity of the gentry as Virginians and their understanding of their role in Virginia society. Elite attitudes toward the different peoples of the frontier--various Native

American nations, French Catholic villagers, and German and Ulster-Scot immigrants--also sheds light on the cultural and ethnic assumptions of the architects of the American republic.

As early as 1649, Virginia "Planters resolve[d] to make a further Discovery into the Country West and by South" being "confident . . . to discover a way to China and [the] East Indies or unto some other Sea that shall carry them thither."[3] Seventeenth-century Indian traders, such as the first William Byrd, sent their caravans far into Virginia's hinterlands. During the early eighteenth century, wealthy tobacco barons routinely monopolized thousands of acres along Virginia's frontiers. Throughout this process, Virginia's political leaders creatively interpreted their colony's vague charter boundaries to justify including as much territory

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[3](original emphasis), Anonymous, A Perfect Description of Virginia: Being a full and true Relation of the Present State of the Plantation, their Health, Peace, . . . (London, 1649), in Peter Force, ed., Tracts and Other Papers, Relating Principally to the Origin, Settlement, and Progress of the Colonies in North America, from the Discovery of the Country to the Year 1776, 4 vols. (Washington, D.C., 1836-1846 [reprint, Gloucester, Ma., 1963]), 2: no. 8, pp. 8. Virginians knew of Sir Francis Drake's discoveries along the coast of California, but, Believed that Drake "was on the back side of Virginia." It only remained for them to discover "how broad the Land may be to that place from the head of the James River. They assumed the distance could be no greater than 150 miles.

as possible within the Old Dominion. In 1705 Virginia planter and historian Robert Beverley confidently foresaw the day when Virginia's settlements would reach "the California Sea."[4] In 1750 interim governor Thomas Lee preserved that goal, asserting that the only limits to the province's western growth were the "South Sea . . . including California."[5]

At the time of Virginia's founding, such confidence seemed out of place. Early Jamestown has been called a "fiasco" from the moment of attempted settlement, a "locus of mortality," and a "distinctly messy affair."[6] As Edmund Randolph dryly noted, "It would seem that the colony really wanted better guardians."[7] New, more

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[4]Robert Beverley, The History and Present State of Virginia (Chapel Hill, N.C., 1947, reprint of the 1705 London edition), 117, 118.

[5]Thomas Lee as quoted in Warren M. Billings, John E. Selby, and Thad W. Tate, Colonial Virginia: A History (White Plains, N.Y., 1986), 249.

[6]Edmund S. Morgan, American Slavery, American Freedom: The Ordeal of Colonial Virginia (New York, 1975), 71; Carville V. Earle, "Environment, Disease, and Mortality in Early Virginia," in Thad W. Tate and David L. Ammerman, eds., The Chesapeake in the Seventeenth Century: Essays on Anglo-American Society (Chapel Hill, N.C., 1979), 96; Karen Ordahl Kupperman, "Transforming Tsenacommacah into Virginia," a paper presented at the conference, "Americans in Motion: Virginia, the South, Mobility, and the American Dream," Richmond, Virginia, March 10, 1994.

[7]Edmund Randolph, History of Virginia, Arthur H. Shaffer, ed., (Charlottesville, Va., 1970), 87. Randolph did not finish his History during his own lifetime (1753-1813). Aside from extensive borrowings from William Stith's 1747, History of the First Discovery and Settlement of Virginia and John Marshall's 1804-1807, Life of George Washington, Randolph appears to have

energetic, custodians arrived with increased migration in the last half of the seventeenth century. During this time the forefathers of Virginia's leading families of the Revolutionary era--Lees, Washingtons, Fitzhughs, Byrds, Pages, Masons, and others--established themselves in the Chesapeake. This Chesapeake migration of future elites occurred "during a period when the gentry was consolidating its power at local and national levels in England, [and this] partly accounts for the rapid extension of gentry control in the tobacco colonies."[8] Virginia's emerging provincial aristocracy fully expected to recreate English society in the New World with themselves firmly ensconced at the top. To a surprising extent they succeeded. Gordon S. Wood argues that this "remarkably homogeneous and uncontested ruling group [was] perhaps the only colonial aristocracy whose wealth and influence approached that of the eighteenth-century English aristocracy."[9]

Virginia's colonial leaders made a number of assumptions as they pondered their western opportunities.

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written most of the manuscript in the first decade of the nineteenth century.

[8]James Horn, Adapting to a New World: English Society in the Seventeenth-Century Chesapeake (Chapel Hill, N.C., 1994), 190.

[9]Gordon S. Wood, The Radicalism of the American Revolution (New York, 1992), 122.

Having witnessed the successful transplantation of English culture to the American colonies, they believed that they could likewise replicate their own culture as they extended settlement into the interior.[10] Their early success in the Piedmont emboldened them as they welcomed new immigrants into the Shenandoah Valley. Unlike the predominantly English migrants who had occupied the Tidewater and Piedmont, the large numbers of Germans and Scots-Irish who settled the area beyond the Blue Ridge made the Virginia West a more complex region. The Old Dominion's tobacco barons were confident, however, that jurisdictional expansion to the westward would provide the framework for a similar cultural expansion. Like Old World aristocrats, they also believed that they could control and shape to their own purposes both jurisdictional and cultural growth.

Even as Virginia's leaders recognized the cultural differences that existed among the various colonists of the Old Dominion, they saw their hierarchical society as a political and cultural whole. Those who study colonial

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[10]A number of historians have written on the transference of English cultural patterns to the North American colonies. See David Hackett Fischer, Albion's Seed: Four British Folkways in America (New York, 1989), Bernard Bailyn, The Peopling of British North America: An Introduction (New York, 1986), and Jack P. Greene, Pursuits of Happiness: The Social Development of Early Modern British Colonies and the Formation of American Culture (Chapel Hill, N.C., 1988).

Virginia, however, have been more inclined to focus on the very real distinctions that separated various Virginians. Historical geographers, for example, use the term "Greater Virginia" to describe an area centered around Tidewater and Piedmont Virginia, together with that portion of Maryland east of the Blue Ridge, southernmost Delaware, and northeastern North Carolina, as one of colonial America's cultural hearths. As Donald Meinig notes, "This area had been created by similar peoples working in similar ways, with similar results. It was in fact a remarkably uniform region and widely recognized as such at the time."[11] Historians of the Chesapeake School, who study roughly the same area, also concern themselves primarily with cultural norms--Meinig's "similar peoples."[12]

Because some parts of Virginia--notably the Shenandoah and Alleghenies--were settled by different peoples, these same scholars have sometimes separated the

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[11]Donald William Meinig, The Shaping of America: A Geographical Perspective on 500 Years of History, Volume 1, Atlantic America, 1492-1800 (New Haven, Conn., 1986), 144-160, 244.

[12]See Thad W. Tate, "The Seventeenth-Century Chesapeake and its Modern Historians," in Tate and Ammerman, eds., The Chesapeake in the Seventeenth Century, 3-50, and Richard B. Sheridan, "The Domestic Economy" in Jack P. Greene and J. R. Pole, eds., Colonial British America: Essays in the New History of the Early Modern Era (Baltimore, Md., 1984), 44-47.

area west of the Blue Ridge as a subregion, occasionally going so far as to consider it a cultural extension of Pennsylvania.[13] Colonial Virginians would not have seen these interior regions in that way because they viewed both cultural and jurisdictional identities as two inseparable components of Virginia's distinctive character.

Nor did these more restrictive definitions of the Old Dominion limit the imagination of Virginia's expansionist aristocracy. Instead, casting a covetous eye toward the West, colonial Virginians had eagerly dusted off the Virginia Company's charter with its expansive "Sea to Sea" boundaries.[14] In that document's open-ended descriptions, they saw a different Greater Virginia--a potential inland empire under the political influence of the Old Dominion. Chroniclers as diverse as Robert Beverley, William Byrd II and Thomas Jefferson routinely referred to the colony's "ancient charters" to

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[13]Meinig uses the concept of "Greater Pennsylvania" to describe an area that includes much of Virginia's Shenandoah Valley, a notion first prescribed by Frederick Jackson Turner and Carl Bridenbaugh. Meinig, Shaping of America., 135, 245, Turner, "The Old West," The Frontier in American History (New York, 1920), 67-125, and Bridenbaugh, Myths and Realities: Societies of the Colonial South (Baton Rouge, La., 1952), 119-196.

[14]William Stith reprinted the original charters in his 1747 edition of The History of the First Discovery and Settlement of Virginia. See Billings, Selby, and Tate, Colonial Virginia, 248.

describe and justify Virginia's boundaries.[15] This expansive mindset carried Virginians through several successive backcountries--the Piedmont, the Shenandoah Valley, and then into the Appalachian Mountains and beyond into the Ohio Valley. In the process, Virginia's leaders expected that the jurisdictional "Greater Virginia" to the West would serve as a fertile seedbed for the continued growth of the Tidewater's cultural "Greater Virginia."

Tidewater lords used local governments to achieve the commonwealth's political expansion westward. Virginia had depended on county governments since the initial expansion of 1634-1670, when the colony's population soared from five thousand to forty thousand. As the population grew and dispersed throughout the Tidewater, it became impossible for the House of Burgesses to handle all aspects of local government. County officers, especially the justices of the peace, took on increasing responsibilities while Jamestown officials concerned themselves more with provincial issues. During times of rapid growth, the House of

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[15]Beverley, History and Present State of Virginia, 117, Byrd, History of the Dividing Line Run in the Year 1728 (New York, 1967 [orig. publ. Raleigh, N.C., 1929]), 1-8, Jefferson, Notes on the State of Virginia, William Peden, ed., (Chapel Hill, N.C., 1954 [orig. publ. 1787]), 4, 111-112.

Burgesses, and which became the House of Delegates in the Revolution, readily created new counties to facilitate the efficient conduct of local affairs. In doing so, the house also offered opportunities for recent immigrants to enter and advance in Virginia's local political culture. Politically ambitious immigrants eagerly responded and allied themselves with the provincial elite. These western opportunities repeated themselves during each period of rapid growth.[16]

In addition to the physical expansion of their commonwealth, Virginians also willingly changed their understanding of who could be a Virginian. No longer did they apply the term, as had Captain John Smith, to the Chesapeake's aboriginal inhabitants. Instead, by 1700, the English immigrants had appropriated the name for themselves, just as they had taken over the lands, tobacco, and corn, of Powhatan's people.[17] During the

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[16]Warren M. Billings, "The Growth of Political Institutions in Virginia, 1634 to 1676," William and Mary Quarterly, 3d. ser., 31 (April 1974), 225-234. The process Billings describes repeated itself over the next century.

[17]The shift in meaning is clear in comparing the usage of "Virginian" in Captain John Smith's 1624 General History of Virginia, New England and the Summer Isles and Robert Beverley's 1705 The History and Present State of Virginia. The map accompanying Smith's General History employed a realistic portrayal of an armed Algonquin as its cartouche. The cartouche of Fry and Jefferson's 1751 map instead portrayed a wharf where oversized planters supervised diminutive slaves as they loaded tobacco onto waiting ships.

early decades of settlement, short life spans, combined with the reliance on immigration for population increase, meant that most colonists had been born in England. The surrounding native peoples accentuated their English identity. As English population increased, however, disease, war, and outmigration decreased the Tidewater's native population. The unauthorized war against native Americans during Bacon's Rebellion had decimated those few groups that still remained in the Tidewater. The 1711 Tuscarora War in northeastern North Carolina led to the removal of the most powerful Indian nation in the region. The end of the seventeenth century also marked the time that native-born Virginians first gained a majority over English born members in the House of Burgesses.[18]

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[18]Carole Shammas, "English-Born and Creole Elites in Turn-of-the-Century Virginia," in Tate and Ammerman, eds., The Chesapeake in the Seventeenth Century, 275, no. 2, and Martin Herbert Quitt, "The Virginia House of Burgesses, 1660-1706: The Social, Educational, and Economic Bases of Political Power" (Ph.D. diss., Washington University, 1970). Governor Nicholson complained that Virginia "consists now most[ly] of Natives, few of which either have read much or been abroad in the World: so that they cannot form to themselves any Idea or Notion of those things (tho' in point of Trade and Plantation Affairs they are generally very knowing)." Nicholson to Board of Trade, 2 December 1701, in Cecil Headlam, ed., Calendar of State Papers, Colonial Series, America and West Indies, 1701 44 vols. to date (London, 1910-), 19: 631. In Middlesex County, Darrett B. Rutman and Anita H. Rutman found that while only 19 percent of the Anglo-Virginian population had been born in the province in 1668, by 1700 just over half--55 percent--of the county's residents could claim that distinction. The figure rose to 77 percent by 1724 and approached 100 percent by 1750. A Place in Time: Middlesex County, Virginia, 1650-1750 (New York, 1984),

By 1700 English colonists had successfully consolidated their hold on the Tidewater, though they still feared attack from other, more distant, Indian nations. To prevent, or at least ameliorate, that danger, Virginia's leaders adapted a policy of creating buffer settlements between the valuable plantation district and the dangerous interior. Unable to maintain a shield of pliant "friendly Indians" around their settlements, Anglo-Virginians in the late seventeenth century began to recruit foreign Protestants to settle on the frontier. The House of Burgesses liberalized the colony's naturalization laws to help attract newcomers. Anglo-Virginians willingly appointed backcountry immigrants to local political offices as sheriffs, justices of the peace, and county surveyors. Anglo-Virginians expected these more recent migrants to appreciate Virginia's cultural norms in the same manner that they themselves had adopted a Virginia political identity.

In the process of acting on their territorial claims, Virginians gained important experience in governing remote regions. In sharp contrast to neighboring colonies, Virginia's leaders readily created

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new counties when population growth warranted such action.[19] During the colonial era a simple petition from the inhabitants often sufficed to justify the formation of a new jurisdiction. At the imperial level, the Old Dominion took the lead in the provincial response to the Seven Years' War.[20] Land companies, such as the first Ohio Company and the Loyal Company, were the handiwork of some of Virginia's leading men. Britain's Proclamation of 1763 briefly halted such expansion but independence soon nullified that document. Virginia's Revolutionary government used the state constitution to reassert the newly independent commonwealth's rights to its chartered

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[19]Provincial leaders of North and South Carolina resisted the creation of new interior counties until frontier rebellions by self-styled Regulators forced the issue. The editors of the Virginia Gazette repeatedly referred to the Regulators in the most derogatory terms. They were "a factious and discontented mob," made up of "desperate and cruel banditi." In the end, however, Virginians recognized that part of the fault lay with North Carolina's colonial administrators, for "it ought to be a lesson for all good Governments to suffer no Set of Men, under the Sanction of Authority, to fleece the People." Purdie and Dixon's Virginia Gazette, 25 October 1770, and 6 June 1771. As William Byrd II, argued, Virginia had once despaired under the yoke of bad government, but, unlike North Carolina, the Old Dominion had embraced the wise council of gentlemen and now prospered. See chapter two.

[20]Some historians convincingly argue that Virginia's leaders should shoulder most of the blame for initiating that conflict. See Patrice Louis-Rene Higonnet, "The Origins of the Seven Years' War," Journal of Modern History (March 1968), 57-90 and James Titus, The Old Dominion at War: Society, Politics, and Warfare in Late Colonial Virginia (Columbia, S.C., 1991).

boundaries--especially the Ohio Valley. In addition to Kentucky, the House of Delegates established counties at the forks of the Ohio and in the French villages of the distant Illinois country.

At first Virginia's notables saw profit and increasing political power for themselves in their vast backcountry. During the first half of the eighteenth century, they had been guardedly optimistic over the promise of western growth and in their ability to control that development. Their experiences in the Piedmont and Shenandoah Valley heightened their confidence and led them to assert Virginia's sovereignty over a broad sweep of territory to the West. Later, unable effectively to govern the trans-Appalachian region, they turned to the new national government to accomplish their aims of creating a series of western states that would share Virginia's interests and follow the Old Dominion's lead in federal affairs.

Virginians' difficulties in governing the West were compounded by the increasing competition for western lands. Countless new claimants challenged both Virginia's right to the real estate in question and the very basis of ownership proffered by Virginia's planter-speculators. Until approximately 1745-50, plenty of land remained available to satisfy the needs of speculator and

settler alike. Then, with the uncommonly large grants of the late 1740s, land companies succeeded in laying claim to great expanses of prime land--to the extent that actual settlers felt forced to either acquiesce and buy inflated speculative acres or dispute the title of some distant, unseen, land magnate. By the time of the Revolution, the chaotic nature of the Virginia land office, coupled with changing land laws, led increasing numbers of settlers to take their chances as squatters defying both the government and those with legal title--some even suing the savior of the Revolution, George Washington.

At the end of the War of Independence, an independent Virginia actually began to lose territory with the cession of its claim to the region northwest of the Ohio and the separation of Kentucky. However, rather than imperial edict, this second round of pruning resulted from Virginians' realization that their war-weary and impoverished state could not control the western lands they had worked so tirelessly to acquire. Instead, Virginians turned to new national mechanisms to achieve the needed oversight of the West's bounty.

Virginia's leaders continued to influence the western policies of the Continental Congress. At least one Virginian usually sat on Congress' Committee on

Western affairs. As president, both Washington and Jefferson confronted crises and opportunities of national proportion in the West, particularly with the Whiskey Rebellion and the Louisiana Purchase. While each man pursued the policies he thought best for the Union, their responses also reflected their experiences and expectations as Virginians. During this same period the Virginia state government faced its own frontier problems: the logistics of Kentucky's presumed future statehood, and the superficially similar, yet politically unwelcome, upstart state of Franklin.

By the early nineteenth century, the western dreams of Virginia's Revolutionary generation had come unraveled. The state's rate of population growth waned, especially in comparison to other states. The new western states did not become the closely allied sister republics that some had envisioned. Instead, the fertile Mississippi basin became a direct competitor with Virginia for markets and for settlers and investments. Wealthy planters abandoned the Old Dominion, taking their portable slave wealth with them, leaving behind useless, tobacco-ravaged estates. While these individuals often gained personally, their outmigration represented a net loss of wealth and talent to the Old Dominion. The loss appeared more acute now that eastern Virginia no longer

served as a destination for foreign migrants, as it once had during the colonial era.[21]

With the end of the Virginia presidential dynasty, overall political influence diminished as well. The proportional power of the state's congressional delegation decreased as new western states entered the Union. For those who remained in Virginia, it became a time of re-evaluation. They now saw western threats instead of opportunities, and the guarded optimism of the eighteenth century gave way to dismay and fear in the nineteenth. As the Tidewater bluebloods reconsidered Virginia's relationship with the emerging polities of the Ohio and Mississippi Valleys, they also reviewed that part of the backcountry that had remained a part of the Old Dominion, the region between the Blue Ridge and the Ohio River. In the years leading up to the state constitutional convention of 1829-1830, eastern conservatives focused on maintaining their control over the more populous western counties. As the Civil War approached, Virginians once again wrestled with both the political and cultural meaning of "Virginia."

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[21]Only 2.2% of Virginia's 1860 population had been born abroad. Most of those immigrants lived in western counties that would shortly form the state of West Virginia. Sara K. Gilliam, Virginia's People: A Study of the Growth and Distribution of the Population of Virginia from 1607 to 1943 (Richmond, Va., 1944), 17.

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The first chapter provides a topical treatment of the colonial gentry's attitudes toward land. It examines their use of land speculation for their own advancement and as a means of maintaining Virginia's social hierarchy. Chapter two opens with the 1670s, an era of increasing western exploration and of dissension within the Anglo-Virginian community over the pace and manner of interior expansion. Specific themes introduced in these two chapters include the pervasive perception of landed wealth as a requisite for aristocratic standing, the assumption that the ruling classes would direct and control western settlement, the belief that foreign Protestants were ideal frontier settlers, and the notion that native-born Anglo-American frontiersmen were hardly desirable occupants of the backcountry.

Chapters three and four focus on the years 1740-1780, the period of Virginia's most ambitious territorial aggrandizement. Chapter three begins with the plans and aspirations of Virginia land speculators in the 1740s and traces their initial success in obtaining land grants before their setbacks during the Seven Year's War; their unexpected failures as a result of changes in imperial

policy, especially the Proclamation of 1763; and their frustration at the challenge to Tidewater control of the trans-Appalachian West by squatters disregarding the royal ban on settlement in that region. Chapter four examines, from strategic and pragmatic concerns, the creation of Revolutionary-era Virginia's new trans-montane counties. The establishment of these far western jurisdictions capped almost a century of expansion during which Virginia's upper crust enthusiastically and confidently extended their political, cultural, and economic influence over the sweeping region beyond the Blue Ridge Mountains.

Chapter five surveys the 1780s, a decade when Virginians proved instrumental in determining national policy regarding the West. Ideologically, the chapter is structured as an intellectual dialogue between the enlightened West of Thomas Jefferson and the pragmatic West of George Washington, which anchored the continuum of opinion within Virginia. These men did agree on the cruciality of maintaining economic links with the West and tying the region to Virginia through internal improvements. They differed in their assumptions on land and land ownership, their notions of the "ideal" settler, and their attitudes toward illegal settlement. The closing chapter uses Washington's response to the Whiskey

Rebellion as a way of illustrating his employment of national power to solve western problems and includes a brief analysis of how Presidents Washington and Jefferson, as Virginians, addressed their western concerns in a national context. It concludes by contrasting the expansive hopefulness of the eighteenth century with the ideological retrenchment of Virginia's elite during the antebellum era. The appendix explicates the specific role of Virginians in the creation of the Ordinances of 1784, 1785, and 1787--statutes that formed the foundation of American territorial policy until the Civil War.

Various themes are interwoven throughout the narrative. For example, while the potential profits of speculative western acres fueled the dreams of the tobacco barons, other Wests were just as real to Virginia's eighteenth-century leading men. The most important of these would be the "seductive West" that encouraged indolence, laziness, and a descent into savagery. William Byrd II routinely compared backcountry settlers to Indians and to even wild animals on occasion. George Washington feared that frontier "banditti" would completely spoil western lands, thereby robbing more legitimate settlers of the West's bounty. Throughout the eighteenth century, the West also served as a backdrop

for foreign intrigue where rival European powers sought, with the aid of their Indian allies, to drive England's colonists into the sea. After the Revolution, Great Britain joined in with plots to at least embarrass, if not dismember, the United States.

These various images--positive and negative--formed an indistinct mirror, reflecting the western-inspired hopes and fears of Virginia's Tidewater barons. In the eyes of the Virginia elite, frontier farmers might serve as a buffer against Indian raids one year and then recklessly precipitate those attacks the next. According to Robert Beverley, the over-reaction of selfish Indian traders and impoverished frontiersmen in 1676 had "made People ready to vent all their Resentment against the poor Indians," thereby contributing to the start of Bacon's Rebellion.[22] Jefferson blamed Dunmore's War in 1774 on the overreaction of white frontiersmen, who "according to their custom," repaid petty theft with the murder of innocent Indian families.[23] In the late eighteenth century the patriotic "Over the Mountain Men"

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[22]Beverley, The History and Present State of Virginia, 78.

[23]Jefferson, Notes on the State of Virginia, 62.

of Revolutionary War fame inexplicably evolved into the infamous Whiskey rebels.[24]

Throughout the eighteenth century--especially during its latter half--Virginians wrestled with the problem of citizenship in the Old Dominion. Ethnic origin proved unworkable, as did religious affiliation, land ownership, and political persuasion. Virginians acknowledged that while some groups elicited welcome in one region of Virginia, they often provoked opposition in another. Chapter four, for example, examines the sharp split that divided the state government's offers of citizenship to the Illinois French and Virginia's backcountry militiamen's insistence that these same villagers behaved little better than Indians. Chapter six touches on a related aspect of identity--the increasingly sectional attachment of Virginia's Tidewater gentry in the early nineteenth century in lieu of the Revolutionary generation's attempts to forge a nationalistic identity.

There is some question as to whether the backcountry formed a unique society or instead evolved from older

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[24]Jack P. Greene characterized Virginia's revolutionary era elite as possessing a "peculiar combination of anxiety and confidence." Jack Greene, "Society, Ideology, and Politics: An Analysis of the Political Culture of Mid-Eighteenth-Century Virginia" in Richard M. Jellison, ed., Society, Freedom, and Conscience: The American Revolution in Virginia, Massachusetts, and New York (New York, 1976), 76.

coastal norms. Had the question been posed to the men studied in the following pages, I believe they would have acknowledged that the backcountry was indeed different, but only because it was at a different stage of social evolution than the older Tidewater. Prominent Virginians expected the raw western settlements eventually to develop much as eastern Virginia had matured since its uncertain, sickly beginning at Jamestown Island. Some former backcountries, such as the Piedmont, had already evolved to resemble closely Virginia's cultural hearth. The Valley appeared poised to do the same. Regions further to the west naturally lagged behind these two earlier frontiers but would eventually progress along a predictable path. During the Revolution, eastern Virginians, while agreeing that western settlement would inevitably occur, began to question what sort of society was developing in Virginia's West. By the early nineteenth century, however, the eastern elite conceived that western Virginians--even those who owned slaves--constituted a people apart.

Virginia's social evolution and eventual tension between regions may be explained by their changing self-identities. Jack Greene argues that colonial identity formation occurred in three sequential, though somewhat inexact, stages. At first the "characteristics of place

usually assumed primacy. That is, settlers and their sponsors tended to identify their society in terms of the nature and potentialities of the place in which they lived." After this localistic, forward-looking phase, the next step in identity formation revolved around how new societies organized "their social and cultural landscapes and the extent to which those landscapes did--or did not--conform to inherited standards." The successful transmittal and replication of cultural norms through creolization marked this second phase of identity formation in maturing colonial societies. During the third stage, new societies "gave increasing emphasis to their predominant characteristics as people and the common experiences shared by themselves and their ancestors."[25] At this stage a strong historical awareness helped to define the community's sense of self.

This analysis, of course, begs the question of where eighteenth-century Virginia would fit within this scheme. While keeping the indefinite nature of Greene's categories in mind, it would appear that Tidewater Virginia fit into the second division throughout most of the eighteenth century. By the early nineteenth century,

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[25]Jack P. Greene, "Changing Identity in the British Caribbean: Barbados as a Case Study," in Nicholas Canny and Anthony Pagden, eds., Colonial Identity in the Atlantic World, 1500-1800 (Princeton, N.J., 1987), 217.

eastern Virginia's society had matured into Greene's third phase. The backcountry always seems to have lagged at least one stage behind the Tidewater. Physical hardships and cultural isolation forced frontier residents to face different and more immediate challenges of place and circumstance compared to the established eastern communities.

In their confidence, colonial Virginians were also out of step with their New England contemporaries. Before the end of the seventeenth century, New England divines already lamented their fall from grace. In jeremiads they hearkened back to New England's golden age of the decades immediately following the Great Migration. After 1660 the Puritan clergy adopted a standard sermon in which "they projected an idealized picture of an earlier New England passionately devoted to the Congregational cause, then arraigned the citizenry for betrayal of its heritage."[26] While the New Englanders celebrated their founding as the pinnacle of their success, Virginia's governor, William Berkeley, maintained that the early desperate years of the Virginia colony should be ignored. Instead, he argued that Virginians "must begin the account of the Plantation"

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[26]Theodore Dwight Bozeman, To Live Ancient Lives: The Primitivist Dimension in Puritanism (Chapel Hill, N.C., 1988), 311.

with their 1622 defeat of Powhatan.[27] Appropriately for an elite wedded to speculative enterprises, Virginians maintained their forward-looking attitudes throughout the first three-quarters of the eighteenth century.

During the life of Thomas Jefferson, however, the home-grown aristocracy's beliefs and expectations toward the West became increasing anxious and conservative. Virginians did not conscientiously appropriate a declension model until the early nineteenth century. Then, faced with declining wealth, population, and opportunities, Virginia's eastern conservatives increasingly bemoaned the Old Dominion's loss of prestige and power. Thomas E. Buckley suggests that the leaders of antebellum Virginia faulted themselves for their failure to achieve successes worthy of the revolutionary generation. While other scholars point out that it is unreasonable for historians to expect uninterrupted progress and achievement, that was, nonetheless, the yardstick embraced by the sons and grandsons of the republic's founders.[28]

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[27]Berkeley, Discourse and View of Virginia (London, 1663), 3, as quoted in, E. Brooks Holifield, Era of Persuasion: American Thought and Culture, 1521-1680 (Boston, 1989), 41.

[28]See Thomas E. Buckley, S.J., "The Declension of Virginia, 1776-1860," and John E. Selby, "Comment," papers presented at the conference, "New Directions in Virginia History." 11-13 October 1990, Richmond, Va.

My initial findings suggest that Virginia's revolutionary leaders adopted new strategies to address old concerns. Their goals--the orderly development and improvement of new interior societies and the cultivation of economic and political opportunities--would have been easily recognized by their colonial counterparts of the previous century. Likewise, the hopeful expectations of Virginia republicans were in line with colonial assumptions that western development would prove beneficial to the Old Dominion. With the Revolution, however, aristocratic pretensions faced a challenge from below by democratic-minded frontiersmen and from without by speculators and politicians from other states. Earlier optimism gave way to more conservative views as elite Virginians came to believe that the West and westward migration were definite threats to the Old Dominion.

The attitudes of Virginia's leaders toward their vast hinterland are a useful indicator of their overall views of society. Their concerns and expectations helped to form provincial, and later national, policies. Their disposition toward the various peoples of the frontier also sheds light on the cultural and ethnic assumptions of the architects of the American republic. Thus, along with political economy, this account touches on the

related themes of cultural awareness, social identity, and ethnic assimilation--issues that resonate throughout American history.

Chapter I:
The Land of Eden: The Importance of Property in Eighteenth-Century Virginia

> "One can find in this beautiful and fruitful land all the delightful enjoyments which a rational being can ever desire. One enjoys . . . the refreshing and kindly influence of an ever shining and warming sun . . . the agreeable shade of the trees and pleasing woods which are almost always green. . . . The rains do not last long . . . and put in their appearance mostly during the night. . . . To sum up, this excellent land is so mild and healthful, that one hears of very nearly no diseases. [But,] whoever desires to die soon, just go to Carolina."
>
> William Byrd II[1]

As one of the authors of the Ordinances of 1784 and 1787 and a proponent of western rights, Thomas Jefferson was instrumental in assuring that the expanding United States would be an "empire of liberty," one that guaranteed its new settlements the same democratic rights and responsibilities of the older states, rather than recreating the more familiar European-style colonial empire. Ironically, Jefferson preferred to let others

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[1][William Byrd], in Richard Croom Beatty and William J. Mulloy, eds., William Byrd's Natural History of Virginia: or the Newly Discovered Eden (Richmond, Va.: 1940 [orig. publ. as Neu-gefundenes Eden, trans. by S. Jenner for the Helvetian Society, 1737]), 2, 14.

discover and explore the West. Despite his reputation as one of the foremost natural historians in North America, Jefferson barely ventured a hundred miles to the west of his beloved Monticello.[2] The third president travelled more widely in France and Italy than in the interior of his own country. He satisfied his pervasive interest in the West in his library and through correspondence with those willing to undergo the hardships of backcountry travel.

Still, Jefferson's few observations on his own western experiences are instructive. When visiting Virginia's Natural Bridge, Jefferson initially found "the view from the top [to] be painful and intolerable."[3] "Though the sides of this bridge are provided in some parts with a parapet of fixed rocks, . . . few men have

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[2]Jefferson's western travels are easily summarized. With the exception of several visits to the Shenandoah Valley, Jefferson only ventured west of Albemarle County on one occasion--a trip to Warm Springs, Virginia in 1818. Jefferson soon grew tired of "so dull a place," and grumbled in later years that after his visit he had "never since had a moment of perfect health." Jefferson to Martha Jefferson, 7, 14, and 21 August 1818, as quoted in Donald Jackson, Thomas Jefferson & the Stony Mountains: Exploring the West from Monticello (Urbana, Ill., 1981), 296, 304, and Jefferson to John Adams, 18 December 1825, in Lester J. Cappon, ed., The Adams-Jefferson Letters: The Complete Correspondence Between Thomas Jefferson and Abigail and John Adams (Chapel Hill, N.C., 1959 [reprint 1988]), 612. Jefferson also visited the northern New England frontier with James Madison on their famous botanizing expedition in the spring of 1791. Jackson, Thomas Jefferson & the Stony Mountains., 68-71.

[3]Jefferson, Notes on the State of Virginia, 263, n. 5.

resolution to walk to them and look over into the abyss. [One must] fall on . . . hands and feet, creep to the parapet and peep over." Jefferson complained that "looking down from this height about a minute gave [him] a violent head ach." However, after "descending then to the valley below, the sensation becomes delightful in the extreme. It is impossible for the emotions, arising from the sublime, to be felt beyond what they are here: so beautiful an arch, so elevated, so light, and springing, as it were, up to heaven, the rapture of the Spectator is really indescribable." Jefferson concluded his discussion of this natural wonder by noting that the stream that flows underneath the bridge is "sufficient in the driest seasons to turn a grist-mill."[4]

Jefferson's reactions--initial fear, followed by an appreciation of the sublime, and ultimately, his suggestions for economic development--may be viewed as a general catalog of Virginians' reactions to the early West. Terror commonly prevailed when Anglo-Americans were first thrust into the midst of the wilderness as the seemingly chaotic landscape overwhelmed all human emotional response. In some cases the wilderness succeeded in transforming heedless frontiersmen into "white Indians," Europeans in name only who were easily mistaken for the new world's native inhabitants. Beauty

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[4]Ibid. 24-25.

could be experienced only by viewing the untamed land from a recognizable vantage point. Jefferson did not realize the sublimity of the scene that lay before him until his feet were firmly planted on the ground at the utilitarian site of a future gristmill.

Ultimately, of course, the wilderness would have to be tamed and properly managed. Jefferson did not remark on the stream's capacity for a grist mill simply as a means of acknowledging its size. Rather his comment signaled the area's usefulness in the sustenance of settlement. Not only would the stream support a grist mill, but it would do so "in the driest seasons," indicating that the site could easily sustain a fairly large population of farmers and other settlers. Jefferson separated himself mentally from the landscape as he made plans to redesign it to fit his own purposes. The only people in his tableau were the unnamed and unseen future settlers who would presumably flock to the site once it had been organized and improved. Tellingly, he did not clutter this unrealized landscape with any of the people typically found in the Virginia backcountry. Ideal landscapes did not contain savage Indians, unscrupulous traders, illegal squatters, or rival speculators.

Not all Virginians reacted in the same reflective manner. For example, where Jefferson crept on hands and

knees, other Virginians marched forward with a resolute pragmatism. By the age of nineteen, William Byrd I had already accompanied his uncle's trading expeditions to visit Indian nations far beyond English settlements. His son, William Byrd II, spent months roughing it on a backcountry surveying expedition to jurisdictionally and symbolically separate genteel Virginia from the lubberland of colonial Carolina.

When Governor Robert Dinwiddie instructed a Virginia militia colonel to deliver a message to the French in the Ohio Valley, the young George Washington did not hesitate, even though his destination lay over 100 miles beyond the nearest Anglo-American settlement. Instead of fear, Washington marveled at the dizzying thrill of battle when he accompanied Braddock on the ill-fated expedition of 1755. Rather than pain and discomfort, Washington experienced elation when he "heard the Bullets whistle." "Believe me," he boasted, "there is something charming in the sound."[5] As a professional soldier, Washington would not have succumbed to the fears mentioned by Jefferson. Of course, neither did Jefferson. The sage of Monticello did creep forward in the end--all in the name of progress, profits, and

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[5]Washington to John Augustine Washington, 31 May 1754, W. W. Abbot and Dorothy Twohig, eds., The Papers of George Washington, "Colonial Series" (Charlottesville, Va., 1983-), 1:118.

scientific inquiry. While none of his contemporaries matched Jefferson's propensity to philosophize, all appreciated the value of a good mill site.

This chapter investigates land's role in defining Virginia's gentry. By examining several related activities--land surveying, establishment of title, treatment of speculators and squatters, and agricultural practices--it first analyzes how land influenced Virginia's dominant men. It then looks how Virginians themselves viewed their landed wealth, including how it influenced their relationships with the imperial government.

At the root of our understanding of the Virginia gentry is land--lots of it. While members of this elite were also lawyers, merchants, or political and military leaders, their land holdings confirmed their status as gentlemen. George Washington certainly understood the importance of land to an elevated status within Virginia society. The fact that he began life as a surveyor is appropriately symbolic. Washington's career in the military certainly helped to establish his reputation--especially outside Virginia.[6] But, even as he planned

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[6]Washington first gained an international reputation through the publication of The Journal of Major George Washington Sent by the Hon. Robert Dinwiddie, Esq; His Majesty's Lieutenant-Governor, and Commander in Chief of Virginia, to the Commandant of the French Forces on Ohio . . . . [(Williamsburgh, Va., 1754) London edition, 1754], as reprinted in Donald Jackson and Dorothy Twohig, eds. The Diaries of George Washington, 1 (Charlottesville, Va., 1976), 130-161.

the colony's defenses Washington kept his eye open for choice acreage. In his own words, Washington saw little reason "to explore [the] uninhabited Wilds" except "the prospect of getting good Lands."[7] Thomas Jefferson, whose greatest western explorations occurred in the comfort of his library, also comprehended the "mystery of surveying," a skill he used on his considerable personal estate and as the official surveyor of Albemarle County.[8]

A New World for Surveyors: Dividing the Land Mathematically and Mentally

The practice of surveying--mathematically dividing the land for purposes of ownership and taxation--has been practiced for millennia. Throughout most of that time, however, the surveyor's art had been limited to relatively small plots of cleared agricultural land. In medieval England the surveyor's basic duties required that he "observe and keepe the olde and ancient names of such meeres, marks and bounds as have been anciently used

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[7]George Washington to George Mercer, 7 November 1771, Colonial Series, Papers of George Washington, 8:543.

[8]The term "mystery" was commonly used to describe any vocation involved the use of specialized skills, especially those occupations that had restricted the knowledge of their practices through medieval guilds. Sarah S. Hughes, Surveyors and Statesmen: Land Measuring in Colonial Virginia (Richmond, Va., 1979), 28. Jackson, Thomas Jefferson & the Stony Mountains, 16.

and accustomed."[9] In other words, the surveyor formalized the community's understanding of traditional land divisions. Rather than marking new boundary lines, the surveyor maintained those already in existence.[10] While the manner in which he measured the land required certain mathematical skills that were beyond the typical husbandman, the boundaries he plotted were usually well known.

In Virginia surveyors were expected to find their way around in an uncharted wilderness. In the process they established new boundary lines independent of the community's folk knowledge. English villagers possessed a detailed mental map of their community. They knew which fields were more fertile, which meadows better watered, and which orchards the most fruitful. For colonial American land speculators, by contrast, the most valuable lands were often the least known. By working in concert with a surveyor, a gentleman could be apprised of where to find fertile, well-watered lands that had not yet been patented. Not surprisingly, Virginia surveyors became much more powerful than their English counterparts. Like Washington and Jefferson, influential Virginians valued the skill of surveying. By requiring that all surveyors be licensed by the College of William

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[9]Hughes, Surveyors and Statesmen, 29.

[10]Ibid.

and Mary the provincial oligarchs were able to maintain control over the ranks of county surveyors.[11]

Many historians have commented on the different views of land ownership and land use held by native Americans and the English colonists. Essentially, the English recognized two types of ownership--civic and natural. They based the former on legalities--deeds, surveys, and the payment of quitrents and taxes. While the Indians did not meet the requirements for civil ownership, they did have a natural right to their land--not the land they claimed, but the land they physically occupied for their villages and crops. For the latter, English colonists tended to recognize only land actually used for agricultural production. The Indian practice of periodically moving their fields and villages, together with the seasonal shifts of their hunting grounds, hid much of their interaction with the environment from English eyes more accustomed to discreet possession and dedicated land use.[12]

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[11]"Control of entry into the profession [of surveying] was securely in the hands of Virginians who were trustees of the College of William and Mary," a group that included the "Lieutenant-Governor, four Gentlemen of the Council, four of the Clergy, and the rest nam'd out of the House of Burgesses." Hughes, Surveyors and Statesmen and Henry Hartwell, James Blair, and Edward Chilton, The Present State of Virginia, and the College, Hunter Dickinson Farish, ed. (Williamsburg, Va., 1940 [orig. publ. London, 1727]), 69.

[12]E. Brooks Holifield, Era of Persuasion: American Thought and Culture, 1521-1680 (Boston, Ma., 1989), 79-80. For a description of Indian agriculture see Timothy Silver, A New Face on the Countryside: Indians, colonists, and slaves in the South Atlantic Forests, 1500-1800 (Cambridge, 1990), 37-38, 46-52.

The English also divided New World lands into either wilderness or cultivated landscape. Unfenced and irregularly shaped Indian fields did not impress early English observers who were more accustomed to the neatly bordered rectilinear fields of their home island. Hedgerows and plows were necessary tools for the Christian to subdue the land--a required step in converting wilderness into landscape.[13] Unfenced Indian fields proved especially tempting to the free-roaming livestock of the Anglo-Virginians, thereby contributing an economic element to the cultural clashes between Indian and colonist. Finally, rather than conquer the land, pantheistic Native Americans preferred to worship it, further weakening their claims in English eyes.

In time, however, Virginia planters would adopt the crops and methods of Native American predecessors. They abandoned familiar grains and plows in favor of corn, tobacco, and hoe-cultivation. Even though the fields of Anglo-Virginians came to resemble those of the indigenous Algonquins, and most speculative acres bore no trace of cultivation, their ownership was secure. Paper plats, deeds, and land warrants proved far more substantial than native tradition and customary usage in establishing

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[13]John R. Stilgoe, Common Landscape of America, 1580-1845 (New Haven, Ct., 1982), 7-21.

title. Ironically, the one aspect of Native American land use not borrowed by colonial Anglo-Virginians was also the most common attribute of life in England--village life. In Virginia, Indians, not English colonists, resided in towns. Despite repeated admonishments from the royal government, colonists refused to create towns, preferring instead to live on their own estates.[14]

A man's property signified many things. Without land he could neither vote nor hold political office in Virginia.[15] With enough land, however, a man could literally grow money, for tobacco served as the common currency in the Old Dominion. Most taxes were payable in the golden leaf and planters routinely drew bills of exchange with their British factors payable on the sale

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[14]Michael Zuckerman, "Identity in British America: Unease in Eden," in Canny and Pagden, eds., Colonial Identity in the Atlantic World, 1500-1800, 152. See also John W. Reps, Tidewater Towns: City Planning in Colonial Virginia and Maryland (Williamsburg, Va., 1972).

[15]Property ownership did not simply allow one to participate in the political process. By informal understanding the size and worth of a man's real estate determined how far he progressed up the ladder in Virginia politics. In Middlesex County the Rutmans found that those who held modest positions as petit jurors or appraisers "controlled on average 180 acres and left estates appraised at [£85 current]." Justices of the peace, sheriffs, and burgesses from Middlesex owned much more property--828 acres on average, and left estates worth more than £600 current money. Darrett B. Rutman and Anita H. Rutman, A Place in Time: Middlesex County, Virginia, 1650-1750 (New York, 1984), 146-147.

of future crops. These bills usually passed through several hands before being redeemed in Britain. Finally, in the cash-strapped Virginia economy, merchants reliably accepted tobacco as payment for debts.[16] Just as tobacco formed the framework of the Chesapeake's economy, land served as the foundation that supported the whole. Oddly enough, planters viewed the land itself primarily as the means to an end. For example, colonial Virginians rarely manured their estates to maintain fertility, preferring instead to procure new holdings.

Eighteenth-century Virginians such as William Byrd II were confident of their ability to manage western development, thanks partly to a fascination with real estate. The elite's enchantment with property became an obsession during the eighteenth century. For those with the proper connections, the easiest road to landed wealth ran through the backcountry. Byrd aspired "to make . . . distant lands profitable in [his] time" because he fully expected his "remote estates [to] be valuable" one day.[17] When George Washington expressed his own faith in

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[16]Warren M. Billings, John E. Selby, and Thad W. Tate, Colonial Virginia: A History (White Plains, N.Y., 1986), 203-204. See also T. H. Breen, Tobacco Culture: The Mentality of the Great Tidewater Planters on the Eve of the Revolution (Princeton, N.J., 1985), 62-63.

[17]William Byrd II, to Governor George Burrington, 20 July 1731, The Correspondence of the Three William Byrds of Westover, Virginia, 1684-1776, Marion Tinling, ed., 2 vols. (Charlottesville, Vir., 1977), 2:445.

backcountry opportunity, he based his opinion on the experiences of several generations of Virginia land magnates. He believed that one might find "an opening prospect in the back Country for Adventurers . . . where an enterprizing Man with very little m[o]ney may lay the foundation for a Noble Estate in the New Settlem'ts . . . for himself and posterity."[18] Like William Byrd I, and his relocation of the Huguenot settlement, or William Byrd II with the dividing line, Washington hoped to channel and direct migration. Virginia planters expected to successfully recreate the lifestyle and culture of the Tidewater as easily as their bondsmen transformed the wilderness into successful tobacco plantations.

The Impact of Tobacco

While Virginians craved property, they were less concerned with the land itself. True, they did admire the park-like forests of early Virginia where "a man [could] gallop a horse amongst [the] woods" in any direction.[19] But planters realized little profit in the

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[18]Washington to Capt. Posey 24 June 1767, in Abbot and Twohig, eds., The Papers of George Washington, Colonial Series, 8:3.

[19]John Smith, "A Map of Virginia. With a Description of the Countrey, the Commodities, People, Government and Religion," in Philip L. Barbour, ed., The Complete Works of Captain John Smith (1580-1631), 3 vols. (Chapel Hill, N.C., 1986), 1:162.

physical beauty of land if it were not sown in crops. Planters only minimally prepared their tobacco lands, adding to the ragged and tattered appearance of recently cleared lands. Preparing a tobacco field required little more than cutting the trees to a convenient height and burning them. Stumps were left to rot in the field. By immediately planting these imperfectly cleared fields, the planter more quickly recouped his labor investment, for only virgin land was "sufficiently profitable to pay the expences of negroes." Tobacco quickly stripped the soil of its natural fertility, thereby limiting the economic feasibility of long-term improvements such as stump removal. Together these traits made "tobacco planters more solicitous for new land than any other people in America, they wanting it much more."[20] It made economic sense for the gentry, who could easily acquire additional acreage, to apply their resources to crops and labor, rather than their disposable fields.[21]

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[20]An American [Dr. John Mitchell], American Husbandry (1775), Harry J. Carman, ed., Columbia University Studies in the History of American Agriculture, No. 6 (New York, 1939), 164.

[21]In this regard tobacco affected the practices and attitudes of Virginia planters very differently than rice cultivation did their counterparts in lowcountry South Carolina and Georgia. Rice did not wear out the land in the same debilitating fashion as nutrient-demanding tobacco. Timothy Silver, A New Face on the countryside, 168-169. Consequently, rice planters were less interested in backcountry land speculation for their own plantations, though they also seem to have cared less about acquiring land for the purpose of selling it to others than the Virginians did. Alan Gallay, The Formation of a Planter Elite: Jonathan Bryan and the Southern Colonial Frontier (Athens, Ga., 1989), 101.

The overwhelming abundance of land in early seventeenth-century Virginia favored this extensive land use over more conventional European intensive methods. Planters acknowledged the utility of fertilizers, but the expense of labor made their use and other aspects of good husbandry too extravagant. When a field's fertility waned--as it always did with tobacco culture--the planter simply abandoned it in favor of more fertile virgin ground. Some planters did manage to raise a few crops of less-demanding corn from their worn-out acres, but the end result remained the same--the field in question had to rest fallow for up to twenty years.[22] Some of Virginia's earliest historians described how these "worn out" fields grew "up again in Underwoods, and in many Places of the Country, that which has been clear'd is thicker in Woods than it was before the clearing."[23] The transient nature of tobacco culture discouraged long-term improvements. Rather than build permanent fences, for example, most planters simply moved the practical, yet slovenly, split rail fences from old field to new as the need arose.[24]

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[22]Allan Kulikoff, Tobacco and Slaves, The Development of Southern Cultures in the Chesapeake, 1680-1800 (Chapel Hill, N.C., 1986), 47-48.

[23]Hartwell, Blair, and Chilton, The Present State of Virginia and the College, 8-9.

[24]Outbuildings, orchards, and other aspects of the plantation landscape, also fell short of the ideal farm in appearance. Rhys Isaac, The Transformation of Virginia, 1740-1790 (Chapel Hill, N.C., 1982), 34.

Tidewater Virginians continued to abuse their land with tobacco culture throughout the eighteenth century. Some, like Thomas Jefferson found it "a culture . . . of infinite wretchedness," and opted for wheat cultivation instead. Despite tobacco's requirement of "exertion beyond the powers of nature to support," however, the majority of eastern Virginians continued its cultivation. The short-term profits, combined with the paralysis of custom, easily led to farms that were "badly fed," with "earth . . . rapidly impoverished."[25] Despite their mistreatment of land Virginians paid great attention to property and the potential wealth it represented.[26]

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[25]Jefferson, Notes on the State of Virginia, 166-168. Landon Carter also tried new European techniques for improving soil fertility, but his efforts were rarely imitated in the eighteenth century. Silver, A New Face in the Countryside, 166.

[26]Eastern Virginians did not seriously address the issue of soil exhaustion until the antebellum era. Tidewater agriculturist Edmund Ruffin worked valiantly in attempting to educate his fellow planters of the advantages of scientific agriculture. He published innumerable articles and pamphlets on various manures, soils, and his own agricultural experiments. Ultimately, Ruffin turned his obsessive mind from soils to secession as Virginia's only salvation. Ruffin believed that but for improving Virginia's soils, "there was no hope, save in the universal approved resort in all such cases, of emigrating to the rich western wilderness." Ruffin, Incidents of My Life: Edmund Ruffin's Autobiographical Essays, David F. Allmendinger, Jr., ed., (Charlottesville, Va., 1990), 1, 94.

Landscape, land values, and Community

Planters appreciated, and quickly grew dependent on, Virginia's seemingly limitless acreage, a resource of limited availability in England itself. Surprisingly, however, an abundance of cheap--often free--land did not lead to widespread land ownership. Instead, those in power limited the availability of land to those with proper connections. In order to be successful, a tobacco planter had to control enough land to practice the transient agriculture best suited to the demanding weed. In the process they discovered that the land could be just as profitable a commodity as any crop grown on it. Unlike plantation agriculture--which used exotic crops within a recognizable economic system--land speculation represented an innovation over traditional English practices. As Aubrey C. Land notes, "The idea of treating land as a commodity for wholesale turnover at a profit had no roots in England. . . . Wild lands to be reclaimed from a state of nature were simply nonexistent save in the fen country."[27] While Virginia's worthies did not intend to completely shut others out of the real estate market, their selfish acts of aggrandizement tended to have that effect.

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[27]Land, "Economic Behavior in a Planting Society: The Eighteenth-Century Chesapeake," in The Journal of Southern History, 33 (November 1967), 480-481.

Robert Beverley recognized the influence of land use in shaping the landscape and culture of his society. "People flock'd" to Virginia, he boasted. In contrast to New England's compact settlements, "every [Virginian] took up Land by Patent to his Liking; and, not minding anything but to be Masters of great Tracts of Land, they planted themselves separately on their several Plantations."[28] Others had made the observation before. Governor Wyatt bluntly stated that "most plantations were placed straglingly and scatteringly, as a choice veine of rich ground invited them, and <u>further from neighbors the better</u>."[29] Such a dispersed settlement pattern inevitably compromised Virginians' sense of community, encouraging localism and individuality instead. One writer lamented that "the saddest Consequent of their dispersed manner of Planting themselves . . . is the great want of Christian Neighborhoods . . . [and] the Benefit of Christian and Civil Conference and Commerce."[30]

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[28]Beverley, <u>History and Present State of Virginia</u>, 57.

[29]Smith, <u>Complete Works of Captain John Smith</u>, 2:293.

[30]R[oger] G[reen], <u>Virginia's Cure: Or An Advisive Narrative Concerning Virginia</u> (London, 1662), in Peter Force, comp., <u>Tracts and Other Papers, Relating Principally to the . . . Colonies in North America</u> (Washington, D.C., 1836-1847), 3, tract 15:5-6.

Beverley continued that it was "the Ambition each Man had of Being Lord of a vast, tho' unimprov'd Territory."[31] While "each Man" may have held that dream, very few were able to translate it into reality. It is true that early Virginia was relatively open to advancement, but that resulted more from that great equalizer, death, than from any official preference for equal opportunity. By the close of the seventeenth century, the Virginia House of Burgesses had substantially narrowed the ranks of those permitted to vote by increasing the property requirement.[32] Through a preferential land policy, the burgesses had also rewarded their own members to the exclusion of any competitors. By contrast, colonial Georgia restricted the rights of speculators by limiting "the amount of time in which absentees could complete the claims for lands granted." Georgia explicitly sided with squatters over speculators when it gave any squatter who had actually lived on the land in "quiet possession" for a period of twenty years first right to legal title, "over past and future

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[31]Beverley, History and Present State of Virginia, 57.

[32]It has been argued that the openness of the early seventeenth-century suffrage was not conscientious. This implies that later restrictions were simply a corrective of this earlier oversight. It is difficult to believe, however, that after several decades the House of Burgesses suddenly noticed that the poor were voting--without updating any other laws at the same time.

claimants."[33] Elite attitudes in North and South Carolina more closely resembled those of Virginia's land barons.[34] However, the regulator protests that racked both Carolinas calls into question the colonial gentry's control of the backcountry. In each case, frontiersmen were able to effect at least a degree of reform. Tellingly, many of the immigrants to the Carolina backcountry were poor Virginians seeking better opportunities than they could find in the Old Dominion. Not surprisingly, land division and distribution in colonial New England evolved much more orderly, and while Puritan land tenure preserved each community's hierarchy, the spectrum of ownership was much flatter than in the Old Dominion. Philip J. Greven, Jr., notes that the early settlers of Andover owned more land than they knew what to do with. There, land scarcity resulted from an increasing population, not rampant speculation.[35]

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[33]Gallay, The Formation of a Planter Elite, 82.

[34]Despite many superficial similarities, colonial South Carolinians did not pursue land speculation to the same extent as their Virginia counterparts. A flat tax rate on all lands "had limited the extent of [planters'] land engrossment" in colonial Carolina's backcountry. Apparently, the Carolinians were not as adept at avoiding their tax liabilities. Rachel N. Klein, Unification of a Slave State: The Rise of the Planter Class in the South Carolina Backcountry, 1760-1808 (Chapel Hill, N.C., 1990), 179.

[35]Greven, Four Generations: Population, Land, and Family in Colonial Andover, Massachusetts (Cornell, N.Y., 1970), 65-67, 125-126. Stephen Innes found that colonial Springfield more closely resembled Virginia's developmental model, but that town was atypical. Despite the presence of speculator, Thomas Pynchon, Springfield still looked more like a New England town than an empty Chesapeake crossroad. Innes, Labor in a New Land:

Legally, every free immigrant to Virginia had a right to fifty acres of land.[36] Furthermore, "every christian servant" enjoyed the same right once they completed their period of servitude.[37] Such opportunities were meaningless, however, when the most available lands were either inaccessible or of poor quality. As Beverley reported "Each Servant has . . . a Right to fifty Acres of Land, where he can find any Unpatented: But that is no great Privilege."[38] The headrights promised indentured servants were subject to the most flagrant abuses. Typically, the planter who hired the servant would claim the acreage for himself. Ship captains could also claim a headright for each servant transported or even for members of their crews. Such claims, while not within the spirit of the law, were easy to make with the

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Economy and Society in Seventeenth-Century Springfield (Princeton, N.J., 1983), 44-45. Jack P. Greene describes New England's elite speculating in "thousands of acres." But in the Chesapeake, "well-connected families acquired huge grants for hundreds of thousands of acres." Greene, Pursuits of Happiness: The Social Development of Early Modern British Colonies and the Formation of American Culture (Chapel Hill, N.C., 1988),62-63, 88.

[36]Edward T. Price, Dividing the Land: Early American Beginnings of Our Private Property Mosaic (Chicago, Il., 1995), 93.

[37]William Waller Hening, ed., The Statutes at Large: Being a Collection of all the Laws of Virginia from the First Session of the Legislature in the Year of 1819 (Richmond, Va., 1823), 3:304.

[38]Beverley (emphasis added), History and Present State of Virginia, 274.

assistance of local officials. Those same officials were eager to purchase these tainted acres--at a reduced price, of course. For a time planters successfully claimed headrights on imported slaves in direct violation of the law.[39]

Ordinary Virginians could, of course, purchase land from private sellers. Buyers faced restrictions, however, in the amount and quality of land available to them. Most owners of large tracts preferred to lease, rather than sell, their lands. But such acreage cost more and its terms proved less advantageous than those lands available from the colony. As early as 1701 Governor Francis Nicholson reported that "Formerly there was good convenient land to be taken up . . . but now all or most of these good lands are taken up."[40] Ownership records bear out Nicholson's assertion. Thanks to powerful political connection, past and present members of government controlled three-quarters of all patented lands in some counties. By 1700 these men governed sixty

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[39]Manning C. Voorhis, "Crown versus Council in the Virginia Land Policy," William and Mary Quarterly, 3d ser., 3 (October 1946), 501-502. Voorhis also notes that the omnipresent "John Doe appears to have migrated to Virginia several times, but I have never heard of anyone who claims descent from him," Ibid. See also Billings, Selby, and Tate, Colonial Virginia, 160.

[40]Nicholson to the Council of Trade and Plantations, Dec. 2, 1701, as quoted in Daniel J. Boorstin, The Americans: The Colonial Experience (New York, 1958), 101.

percent of Virginia's larger estates.[41] Nor were unclaimed lands readily available; for large grants from the council and burgesses were limited to those considered worthy of such favors. For example, in 1741 that body had turned down a land grant request from Alexander Stimpson because Stimpson had requested "too much for so obscure a person."[42] The Council's eagerness to take care of its own led it on occasion to issue grants that were outside the bounds of Virginia, such as two patents to councilman John Robinson north of the Potomac River in Maryland.[43]

By the eighteenth century the large planters, not the proverbial small farmer, usually arrived first on the frontier--at least in a legal sense.[44] For in the eyes of the elite, legal occupation occurred simply by

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[41]Billings, Selby, and Tate, Colonial Virginia, 122. By comparison, the wealthiest five percent of colonial Georgians controlled only twenty percent of that colony's landed wealth. Gallay, Formation of a Planter Elite, 225, note 31.

[42]Quoted in Voorhis, "Crown vs. Council in the Virginia Land Policy," 512.

[43]Council minutes, 4 Nov. 1730, Executive Journals of the Council of Colonial Virginia (Richmond, Va., 1930), 4:233 and 5 May 1732, ibid., 270. See also Edmund Pendleton to William Preston, 30 March 1775, Preston Family Papers, Virginia Historical Society.

[44]Thomas Perkins Abernethy, Three Virginia Frontiers (Baton Rouge, La., 1940), 42. The last serious challenge to elite control occurred with Bacon's rebellion. But that event simply increased the gentry's desire to control the frontier.

establishing what we today would call a paper trail of surveys and land grants. Occasionally, Virginia land magnates, through the House of Burgesses, encouraged the establishment of frontier settlements, such as Manakin town, to serve as barriers against Indian attack. Even in these instances, settlement occurred at the invitation of the gentry and under the control of their representatives.[45] In those cases, as succeeding chapters show, Tidewater lords employed land to gain the loyalty of new immigrants.

"A large plantation of my own"

What did land mean to Virginians? William Byrd II, answered the question best in an oft-quoted passage.

> "I have a large plantation of my own, and my doors are open to every body, yet I have no bills to pay. . . . Like one of the patriarchs, I have my flocks and my herds, my bond-men and bond-women, and every soart of trade amongst my own servants, so that I live in a kind of independence on every one, but Providence."[46]

William Byrd accumulated a grand estate even by upper crust standards. Byrd willingly exploited his membership

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[45]See chapter two, passim.

[46]William Byrd II, to Charles Boyle, Earl of Orrery, 5 July 1726, Correspondence of the Three William Byrds, 1:355.

on the council and his widely recognized expertise on frontier matters to reward himself for a life dedicated to public service. By virtue of his properties, Byrd depended on no one. He owned or controlled all that he needed for a life of gentlemanly ease. His responsibilities constituted those inherent in being a member of the ruling class. He had to "take care to keep all [his] people to their duty, to set all the springs in motion, and to make every one draw his equal share to carry the machine forward."[47] Landed wealth provided the lever by which the Byrds raised themselves up the social hierarchy of colonial Virginia. The proper management of their plantations proved their ability to rule. In the elite's view, land speculation also aided "the meaner sort of People" who were expected to "seat themselves as it were under the shade and protection of the greater."[48]

Ideally, property would turn a profit well before its sale. In describing his own holdings, Byrd noted that "some part . . . is let out to tenants, and more will be leas't every year. But the usual method of [Virginians] is to seat our own slaves upon it, and send the fruit of

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[47]Ibid.

[48]Governor William Gooch to the Board of Trade, 6 November 1728, in Calendar of State Papers, Colonial Series, 36: .

their labor, . . . to England."[49] Despite this reliance, however, Byrd did not believe himself vulnerable on the unpredictable tobacco market, for "in a few years the value of it [his estate] will grow to be double what it is at this time, by the increase of the inhabitants of the country."[50] It would then be an easy matter for Byrd, or any other land magnate, to sell his acres at a profit. The expected increase in population was an easily observed phenomena. Between 1700 and 1770, for example, the population of the James River basin increased almost thirty-fold from in-migration.[51]

Few challenged the domination of Virginia land by the colony's leading families. Doubtless, many of the Old Dominion's poorer citizens would have preferred a more equitable land distribution scheme, but they were powerless to alter the entrenched order. Surprisingly, so were those royal officials responsible for the well-being of Virginia within the British empire. The first families of the colony systematically added to their estates over the protestations of the governor and other crown officials.

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[49]William Byrd II, to "Vigilante" [John Smith], 18 Feb. 1718, Correspondence of the Three William Byrds, I:312.

[50]Ibid.

[51]Allan Kulikoff, Tobacco and Slaves: The Development of Southern Cultures in the Chesapeake, 1680-1800 (Chapel Hill, N.C., 1986), 52.

Land and Imperial Relations

The crown's concerns centered around the non-collection of quitrents. Virginians rarely challenged their king's absolute right to quitrents. Instead they insisted that such duties should be collected solely on productive lands, not the vast speculative acres held by the gentry along the frontier of settlement. The king's representatives--to no avail--countered that backcountry lands would be productive if they were not monopolized by a few great landowners. Virginia's grandees forced the point by surveying but not patenting their speculative lands, thereby securing their claim in the eyes of their fellow Virginians while, at the same time, successfully hiding the true extent of their holdings from royal officials.[52]

When required by royal orders to provide "an account . . . of all Persons within [the] Colony that are possest of above twenty thousand acres of Land," the Council responded that each county's rent rolls would supply "the best account."[53] Of course, such a method would tend to

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[52]Billings, Selby, and Tate, Colonial Virginia, 134. Through such actions, speculators subverted the Crown's right to New World lands. By not recognizing royal title until the moment they registered their claim, speculators, in effect, gave themselves a veto over the government's right to sell its own lands.

[53]28 November 1705, Executive Journals of the Council of Colonial Virginia, 3:61.

disguise cumulative totals held in several counties. It would have been a simple matter for the council to examine its own records. Just three weeks earlier they had granted 17,650 acres in Henrico County to John Tullet. When Governor Nicholson questioned the wisdom of so large a grant, the council assured him that land in question was "for the most part barren & unfitt for tillage & planting and so not like to be taken up by any other."[54] In this case civic virtue, not greed, provided the foundation for Tullet's landed estate.

In 1713 the assembly declared the majority of Virginia to be "barren" land. Royal instructions in that year had decreed that "due regard be had to the profitable and unprofitable acres." Whereas patentees had once been required to improve a percentage of their entire grant, they were now required to improve only a portion of the arable land in order to retain title to the whole. The burgesses made the act retroactive by declaring that for all lands surveyed before passage of the loophole, "one third part of the tract mentioned in each survey shall be accounted plantable and the other two thirds shall be accounted barren."[55] Considering that Virginia, unlike the New England colonies, did not require that newly patented lands abut existent surveys,

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[54]3 November 1705, ibid., 49.

[55]November 1713, Hening, Statutes at Large, 4:37-39.

there was little need to exclude "barren" acres. Through indiscriminate location, patentees and surveyors easily limited their grants to include the choicest acreage. The irregular shapes of most Virginia grants reflects the desire of owners to include "only the best arable fields, meadows, stands of timber, springs or creeks within a specified acreage," thereby leaving true wastelands unpatented for decades.[56]

Governor Alexander Spotswood warred with his council and the House of Burgesses for ten years over Virginians' ongoing intransigence regarding royal land policy. The governor tried various approaches--all legal, all in keeping with his royal instructions, and all ultimately ignored by Virginia's land hungry lords. Providing a litany of the colony's leading men, Spotswood grumbled that Virginia would soon be lost to "the Haughtiness of a Carter, the Hypocracy of a Blair, the Inveteracy of a Ludwell, the Brutishness of a Smith, the Malice of a Byrd, the Conceitedness of a Grymes, and the Scurrility of a Corbin," if the royal government took no action to rein in their highhanded behavior.[57] The Council naturally took a contrary view. They believed that "the opinion of each [counselor] is of as much importance as

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[56]Hughes, Surveyors and Statesmen, 4-5.

[57]Voorhis, "Crown vs. Council in Virginia Land Policy," 510.

that of the governor, and they therefore contradict him freely and in an unhampered fashion."[58]

Governor Spotswood continued to protest the abuse of royal land policy until 1720 when he decided it would be far easier to join the colonial elite in their "land grab" than to attempt the thankless task of upholding the Board of Trade's restrictions.[59] The council honored the occasion by giving away 100,000 acres on the last day of the session--including 40,000 acres to Virginia's newest citizen, Alexander Spotswood.

As their largess to Spotswood indicates, Virginia's leading men had greatly simplified the process of acquiring real estate. No longer did grants depend, as they had under headright system, on the actual importation of new settlers. Now grants were permitted in anticipation of future settlement. To attract migrants to these speculative acres the assembly allotted public monies for frontier defense and the construction of churches, jails, and courthouses in new western counties.[60] To further aid the speculator, the assembly that year also revised Virginia's land law to permit

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[58][William Byrd II], William Byrd's Natural History of Virginia: or The Newly Discovered Eden, 5.

[59]Voorhis, "Crown vs. Council in Virginia Land Policy," 508-509. See also Alison Gilbert Olson, Making the Empire Work: London and American Interest Groups, 1690-1790, (Cambridge, Mass.: 1992), 80-82.

[60]Billings, et al, Colonial Virginia, 193-194.

almost any expense connected with a grant to be counted toward the Board of Trade's required occupancy and improvements. Robert Beverley, for example, successfully claimed improvements of £80 on his "Octonia" grant. Beverley based his "improvements" on the expenses he incurred in visiting the land in question, together with the monies he spent in lobbying for the grant.[61]

Such large grants were not always necessary to amass acreage, for on occasion the original grant simply became the first step in acquiring property. In 1721 Alexander Cocke complained that described boundaries of his recently granted 400 acre patent were "very erroneous . . . not answering the quantity described." In compensation he requested and received a new grant for "eight hundred acres more."[62] A survey did not have to be defective to be enlarged. Robert Beverley had been granted a patent for 1200 frontier acres on the Little Fork of the Rappahanock. Upon examination, however, he discovered that he could "conveniently make up the quantity of 2500 acres." The council readily granted Beverley permission to "enlarge his said Tract of 1200 acres to 2500" thereby

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[61]Voorhis, "Crown vs. Council in Virginia Land Policy," 510-511.

[62]10 August 1721, Executive Journals of the Council of Colonial Virginia, 3:551. Such practices were in direct contradiction to royal policy. Officially, Virginians were to surrender any acreage that exceeded that set forth in their grant. Price, Dividing the Land, 141.

effectively doubling the grant.[63] During that same session that body granted patents to 28 individuals ranging in size from 538 acres to 20,000.[64]

The Council formalized the process of enlarging grants in 1748 with an act "That if upon any new survey of lands before granted to any person, a greater quantity of land shall be found" than what the patent called for, the extra acres would be given to the patentee without any further obligation of seating or cultivation required of him. This act also assisted the gentry in concealing the full extent of their holdings from prying eyes.

For Virginia's powerful families the traditional method of acquiring property--to be granted a large tract in return for seating a certain number of families upon it--did not increase their debt, for no (or very little) money changed hands initially.[65] Instead land speculation forced the planter to participate in one of his expected social roles--the direction and organization of new settlements. The council's self-serving method of land distribution also preserved the fundamental hierarchical nature of Virginia society.

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[63]6 May 1721, Executive Journals of the Council of Colonial Virginia, 3:547.

[64]Ibid.

[65]From an economic point of view it did demand the less quantifiable costs of time and energy.

Property and Citizenship

Property qualifications in matters of suffrage furthered the gentry's power. Such restrictions clearly signaled the importance Virginians attached to property ownership and to property owners. In 1670 the Burgesses limited the vote to those who "by their estates real and personal, have interest enough to tye them to the endeavor of the public good."[66] Mere "freemen" had too "little interest in the country."[67] It has been asserted that Virginia's earlier, looser, suffrage requirements were simply an oversight. Accepting this premise strengthens the notion that Virginians had been relatively less concerned with land in the early seventeenth century.[68]

This narrowing of suffrage may also tie into the question of identity. Just as land ownership indicated an attachment to the common weal, it may likewise have signaled that those settlers whose origins were not English could still be considered Virginians if they

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[66]Hening, 1670, Statutes at Large, 2:280.

[67]Ibid.

[68]Unlike the majority of large states, independent Virginia did not adopt population as a basis of representation. Instead the House of Delegates clung to the undemocratic corporate model. Rosemarie Zagarri, The Politics of Size: Representation in the United States, 1776-1850 (Ithaca, N.Y., 1987),41-42.

purchased land. Property appears to have been the impetus behind Virginia's first naturalization laws. Virginia's naturalized citizens were first granted the right "of taking up, purchasing, conveying, devising, and inheriteing of lands." Only after these property rights had been explicitly protected did the commonwealth offer the new citizen "all such liberties, priviledges, immunities whatsoever, as a natural borne Englishman is capable of."[69] A decade later, in 1680, the Assembly repassed the act with an additional proviso that explicitly protected the property rights of anyone who might purchase property from resident aliens.[70] With these laws the assembly formerly stated the link between property ownership and political identity, a connection that would be strongly implied in the case of former royal governor Alexander Spotswood. For Spotswood the possession of a large landed estate symbolized his evolution from being a member of the royal opposition to becoming a loyal Virginian.

Attitudes toward land--in speculation, ownership, and use--separated Virginians from their counterparts in England, as well as from their fellow colonists along the Atlantic seaboard. Virginia's extravagant western claims, while based on open-ended charters, also depended

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[69]September 1671. Hening, Statutes at Large, 2:290.

[70]June 1680, Ibid., 2:465

on the drive of individual Virginians to exploit their colony's wealth in real estate. The elite took land to solidify their own position within Chesapeake society and to secure the loyalty of local notables within the backcountry. Their success, both personally and collectively, only reinforced their opinions. Virginia's eastern oligarchs did not seriously question their own beliefs toward land and the West until after the American Revolution. While the Revolutionary generation initially shared earlier generations' ideological commitment to the west, the seeds of doubt that would be reaped by antebellum Virginians had already been planted.

Chapter II
The Realm of Gentlemen

> "Men of position and power, men who are adjusted to their environment, men who find life bearable in their accustomed place--such men do not embark on frail ships for a dismal frontier where savages prowl and slay, and living is a grim and laborious ordeal."
>
> W. J. Cash[1]

In his famous essay on the frontier, Frederick Jackson Turner stated that the "furtrader, miner, cattle-raiser, and farmer" typified the successive waves of expansion that crossed the North American continent. Turner separated each of these waves in time and space. "Stand at Cumberland Gap," he commanded, "and watch the procession of civilization, marching single file," with "intervals between." To Turner these various waves of frontiersmen compel the historian to differentiate between "the trader's frontier, the rancher's frontier, or the miner's frontier, and the farmer's frontier." In fact, the early American West was rarely as compartmentalized as Turner and his followers contended.[2]

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[1]W. J. Cash, The Mind of the South, (New York, 1941), 3.

[2]Frederick Jackson Turner, "The Significance of the Frontier in American History," in The Frontier in American History (Tucson, Ariz., 1986 [orig. publ. New York, 1920]), 12.

The William Byrds of Virginia, for example, belong in most of Turner's categories.[3] The eldest Byrd owned one of seventeenth-century Virginia's most successful Indian trading companies. His caravans routinely visited the distant Catawba and Cherokee nations in the Carolina backcountry. His son, William Byrd II, personally directed the survey of the boundary line between Virginia and North Carolina and speculated heavily in backcountry lands. Both men worked to establish new and, in their view, improved, frontier communities. In addition, the Byrds were miners, merchants, and, like almost all Virginia gentlemen, tobacco farmers. These powerful men would have disagreed with Turner's assertion that "The wilderness masters the colonist."[4] That may have been the fate of the lazy inhabitants of backcountry North Carolina, but only because that poor province lacked gentlemen of standing to provide a proper example to society. The Byrds fully intended to master the physical and social wilderness of Virginia's frontiers.

Like other gentlemen, the Byrds believed it their right and responsibility to provide direction for their

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[3]William Byrd I (1652-1704), his son, William Byrd II (1674-1744), and the grandson, William Byrd III (1728-1777). For a short biographical sketch of the three Byrds see The Correspondence of the Three William Byrds of Westover, Virginia, 1684-1776, Marion Tinling, ed., 2 vols. (Charlottesville, Vir., 1977) 1:3-7, 195-202, 2:603-614.

[4]Ibid., 1:4.

community.[5] Such management became vital when the societies in question were not yet in existence, as was the case with the expansion of settlement then occurring on Virginia's frontiers. This chapter examines elite strategies and expectations toward expansion and settlement on the colonial frontier by focusing on the eldest William Byrd and his son William Byrd II.

The western aspirations of men such as the Byrds offer a window to glimpse the type of future society Virginia's leaders envisioned. Whether these men worked within the wilderness, as the elder Byrd did with his trading ventures, or sought to domesticate the land, as William Byrd II did with his improvement schemes, their western visions inspired later generations. Many of their assumptions remained popular with Virginia's revolutionary generation and thus help to explain the motivations and expectations entertained by the architects of the American republic.

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[5]Martin H. Quitt, in "Immigrant Origins of the Virginia Gentry: A Study of Cultural Transmission and Innovation," argues that those immigrant leaders who arrived in Virginia in the mid-seventeenth century shared "values [more] akin to those of the City of London, where the enterprising merchant rivaled the courtier as a model for emulation." In Virginia, these men became "an entrepreneurial-minded, competitive, hard-working group for whom idleness was a social problem, not a cultural goal." William and Mary Quarterly, 3d ser., 45 (October 1988), 643. This preference for an orderly, hierarchical, and, predictable society also reflected the gentry's ideal business climate.

The elder Byrd arrived in Tidewater Virginia in the 1660s as a teenager. A childless uncle, Thomas Stegge, had named the boy his sole heir. Evidently Stegge intended to instruct his nephew in the complexities of managing a wilderness plantation, for Byrd soon became deeply involved in the Indian trade. In 1671, the year after Stegge's death, there were reports of "Mr. Byrd and his great company's discoveries" near present-day Roanoke, Virginia, a place 250 miles distant from Byrd's home base at the falls of the James River.[6]

Both the sea and inland frontiers loomed close at hand in seventeenth-century Virginia. When Byrd arrived, the majority of Virginians still lived scattered along the tidal estuaries of Chesapeake Bay, linked to England by a seaborn tether.[7] The tumultuous 1660s and 1670s highlighted the exposed situation of the colony.

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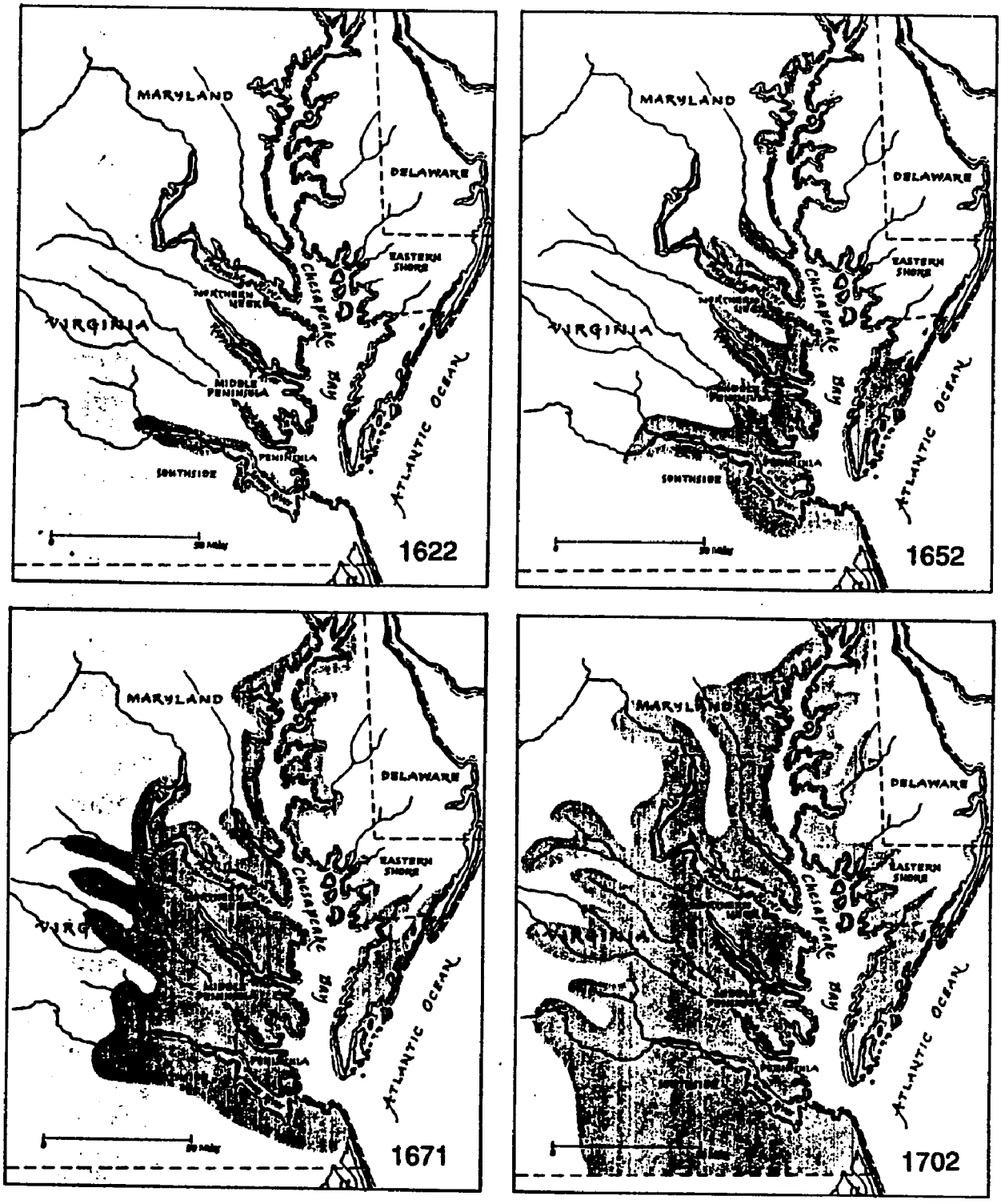
[6]As quoted in the biographical introduction of Marion Tinling, ed., Correspondence of the Three William Byrds, 1:1.

[7]Virginia's population had grown slowly in the years since its founding. In 1670 England's oldest colony contained only about 40,000 colonists, including slaves and indentured servants. Its capital and largest settlement, Jamestown, was little more than a hamlet, despite its having been founded sixty years earlier. Most Virginians in 1670 were male and the vast majority of immigrants were what the English would call the "middling sort." See Sir William Berkeley's answer to "Enquiries to the Governor of Virginia," 1670 in Hening, ed., The Statutes at Large, 2:515, and Billings, Selby, and Tate, Colonial Virginia, 54-55.



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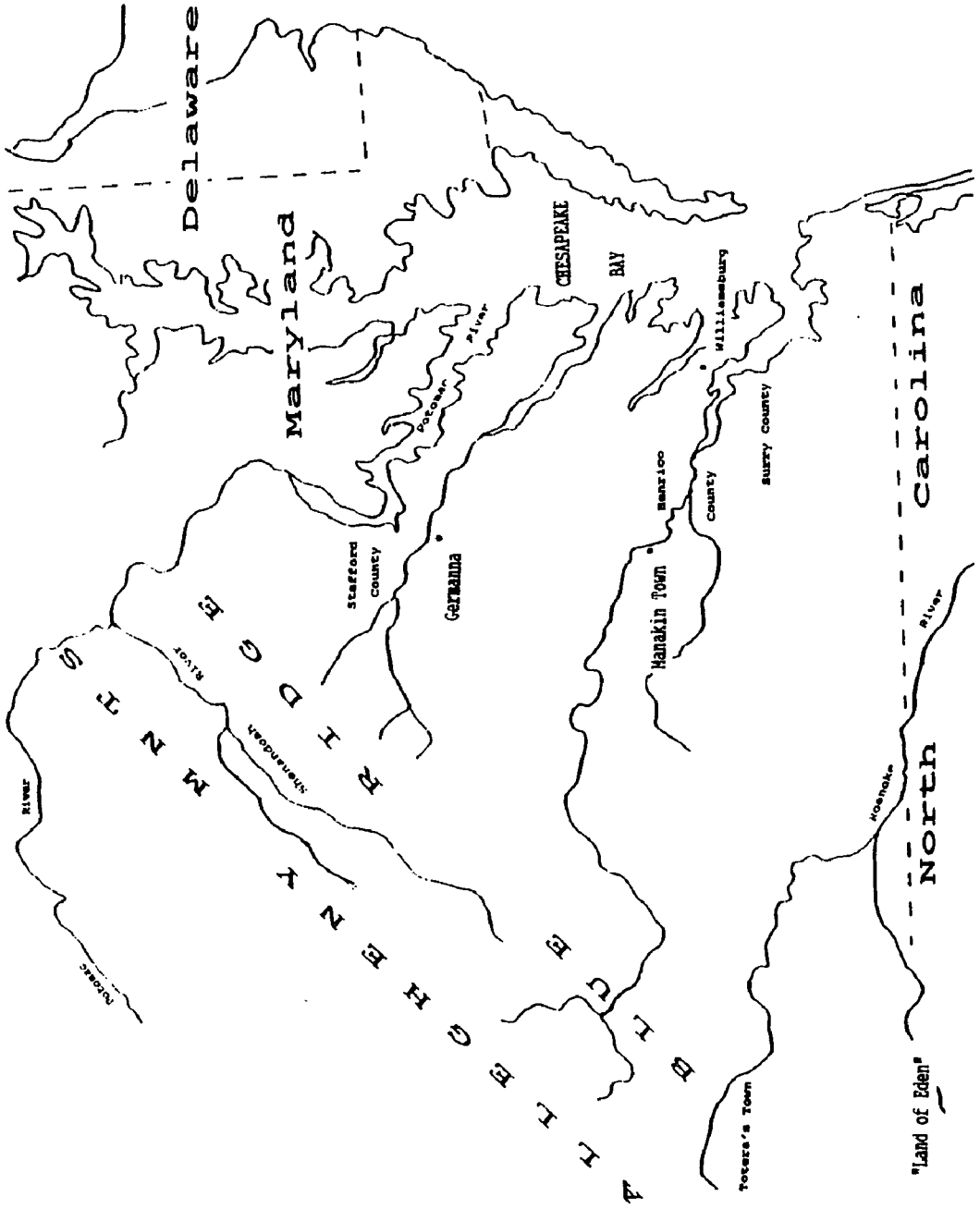

II. The Tidewater and Piedmont in the early eighteenth century.

During the Anglo-Dutch wars, Dutch warships twice burned the tobacco fleet as it lay at anchor--in 1667 and again in 1673.[8] Troubles continued in the latter year when farmers in Surry County openly refused to pay their taxes. While the government put down the revolt easily enough, it soon had to contend with frontier Indian troubles.

Byrd himself lived on the very fringe of English settlement, despite being a mere 50 miles west of Jamestown Island. Like other frontiersmen, Byrd must have been concerned in 1675 when he heard that several Doeg Indians, in retaliation for the theft of some trade goods, had attacked Thomas Mathews' plantation killing an overseer. The Stafford County militia chased the Doegs back into Maryland, killing a few of the raiders. In the excitement of the moment they also murdered several innocent Susquehannocks. When that tribe, heretofore uninvolved, replied in kind, the Chesapeake seemed poised for another cycle of frontier unrest.[9] In this time of uncertainty most Virginians would have agreed with Governor William Berkeley's assessment of them "as a people press's at our backes with Indians, in our Bowills

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[8]Billings, Selby, and Tate, Colonial Virginia., 81.

[9]Ibid., 82-83.

with our servants . . . and invaded from without by the Dutch."[10]

With no fleet at his disposal, Governor Berkeley could do little to halt Dutch depredations, nor, in a colony whose economy rested in large part on the exploitation of land and indentured servants, could he pursue any policy that favored the landless poor.[11] The governor did believe, however, that he could solve Virginia's Indian problem. He had done so before with his vigorous reprisals following Opechancanough's surprise attacks on the English settlements in 1644. Then, Berkeley had personally led the colony's expedition, capturing Opechancanough and destroying the once powerful Powhatan confederacy in the process.[12] The treaty of 1646, ending hostilities, contained three essential provisions that formed the basis of Berkeley's Indian policy throughout his governorship. First, Indian signatories acknowledged that they held their lands "from

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[10]Sir William Berkeley, to King Charles II, 1667, as quoted in Stephen Saunders Webb, 1676: The End of American Independence (New York, 1984), 6. See also ibid., 3, note.

[11]Berkeley proposed--to no avail--to substitute land taxes for the colony's poll tax as a means of discouraging land speculation and thereby opening up more land for purchase by poorer Virginians. Morgan, American Slavery, American Freedom, 230-231.

[12]Martha W. McCartney, "Cockacoeske, Queen of the Pamunkey: Diplomat and Suzeraine," in Peter H. Wood, Gregory A. Waselkov, and M. Thomas Hatley, eds., Powhatan's Mantle: Indians in the Colonial Southeast (Lincoln, Neb., 1989), 174, 190, no. 7.

the King's Majestie of England" while the royal governor "appointed or confirmed" native leaders. Second, Indians and colonists were separated by specific geographic boundaries. A system of badges, special coats, and specified meeting places attempted to prevent any chance contacts between the two races. Third, the English established a series of forts as a defensive perimeter around Virginia's plantation district.[13] The peace treaty also established two classes of Native Americans. The so-called friendly, or tributary Indians, acknowledged England's right to their lands in return for protection by the English. In return the English expected "their" friendly Indians to assist in defending the colony against foreign, or strange Indians.[14]

Berkeley blamed northern "foreign" Indians for the backcountry depredations of the mid-1670s. While frontiersmen clamored for action, the governor hesitated before finally settling on a defensive policy of constructing additional forts in the interior, raising an army of five hundred men, and using the tributary Indians as auxiliaries.[15] Demographic changes that had occurred

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[13]Warren Billings, ed., The Old Dominion in the Seventeenth Century: A Documentary History of Virginia, 1606-1689 (Chapel Hill, N.C., 1975), 210, 226-228.

[14]Morgan, American Slavery, American Freedom, 231-233, 253, no. 14.

[15]Ibid., 253-254.

since the 1640s hampered Berkeley's strategies. English success with the 1646 treaty had made the Tidewater much safer. For example, by mid-century the settlers of Lower Norfolk County had almost no interaction with Indians except for the occasional march to the frontier.[16] Those settled on the frontiers saw Indians all the time, including so-called foreign Indians who had no reason to fear the colonists.

Virginia's backcountry settlers, many of them former servants, accused the colony's government of ignoring their defensive needs. Forts hardly helped, they charged, when wilderness warriors could easily slip around them--far better to attack the Indians directly. Virginians "resolved to Plant tobacco rather than pay the Tax for maintaining of Forts [for] the erecting of them was a great Grievance, Juggle and cheat." Most believed that the forts were "merely a Designe of the Grandees to engrosse all their Tobacco into their owne hands.[17] Byrd, himself losing three servants to the Indians, easily commiserated with his neighbors. Nathaniel Bacon,

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[16]Horn, Adapting to a New World, 172.

[17]John Berry and Francis Moryson, "A True Narrative of the Late Rebellion in Virginia, by the Royal Commissioners, 1677," in Charles M. Andrews, Narratives of the Insurrections, 1675-1690 (New York, 1915), 108. Frontiersmen feared that the construction of the forts "would contribute more to the wealth of the men who built them than to the security of the people they were supposed to protect." Morgan, American Slavery, American Freedom, 253, 258.

a recent immigrant to Virginia, soon exploited their discontent with strong criticisms of the government that encouraged the escalation of unrest into open rebellion in 1676. Bacon initially based his operations at his plantation in Henrico County. Many of his neighbors allied themselves with Bacon, including the captain of the local militia, William Byrd I. As an Indian trader and frontier entrepreneur, Byrd believed that his interests coincided closely with Bacon's purported aims--frontier safety and, incidently, the easy acquisition of land and other Indian wealth.

Once Bacon had assembled his irregular force he marched south to an Occaneechee village. There, these friendly Indians delivered over several hostile Susquehanocks they had captured. The Virginia rebels immediately killed the prisoners and then turned on their supposed allies, the Occaneechee, killing most of them and collecting booty valued at over £1,000.[18] Three months later, Bacon, still quite fond of Indian property, admitted his "aversion of all, not onely the Foreign but the protected and Darling Indians," as well.[19] He then lead his forces against the Pamunkey Indians, who fled rather than break their treaty with the English. While

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[18]Wilcomb E. Washburn, The Governor and the Rebel: A History of Bacon's Rebellion in Virginia (Chapel Hill, N.C., 1957), 40-46.

[19]Ibid., 71.

Bacon, through trickery, easily overawed Virginia's Indian allies, he had no such luck with the governor. Berkeley soon gained the upper hand in the conflict and throughout the fall and early winter of 1676.

If Byrd quickly grew disillusioned with Bacon's "political daydreams," he, nonetheless, remained with the insurgents at least until January 1677, several months after Bacon's death.[20] With the increasing strength of the governor's forces Byrd easily concluded that little profit remained in the rebellion. On 9 January he wisely switched his support to Governor Berkeley, apparently suffering no ill will for his earlier transgression.[21] Byrd's rapprochement with the governor is all the more notable in light of Berkeley's penchant for vengeance.

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[20]Louis B. Wright, The First Gentlemen of Virginia: Intellectual Qualities of the Early Colonial Ruling Class (San Marino, Cal., 1940), 316. In Correspondence of the Three William Byrds Marion Tinling states that "Byrd soon parted company with the firebrand leader" (1:4). But Byrd did not rejoin the governor's forces until well after Bacon's death. In the meanwhile he shared in plundering the estates of Governor Berkeley's allies. Byrd drank so much of Augustine Warner's cider and wine that he passed out. But, as Byrd had Warner's keys firmly attached around his waist, his fellow rebels "lifted him up, and removed him soe asleep from place to place, and from chest to chest and tooke such goods as best liked them." Morgan, American Slavery, American Freedom, 269.

[21]For Byrd's role in Bacon's Rebellion see: Pierre Marambaud, "William Byrd I: A Young Virginia Planter in the 1670s," in Virginia Magazine of History and Biography, 81 (1973), 131-150; Washburn, The Governor and the Rebel, 35-36; Morgan, American Slavery, American Freedom, 255, 268-269; and Stephen Saunders Webb, 1676, The End of American Independence (White Plains, N.Y., 1984), 84, 98-99, 154.

On hearing of the number of rebels Berkeley ordered executed after the rebellion, King Charles II reportedly exclaimed, "That old fool has killed more people in that naked country than I have done for the murder of my father."[22]

For Nathaniel Bacon, the rebellion that bore his name clearly failed. At the time of his death, in a vermin-infested hovel, the governor's forces had gained an unbeatable military advantage.[23] The House of Burgesses quickly undid much of the Baconian assembly's legislative work.[24] Bacon and his followers achieved only one clear-cut, irreversible success, their unauthorized war on Native-Americans. Even though the overall rebellion

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[22]Harry Finestone, ed., Bacon's Rebellion: The Contemporary News Sheets (Charlottesville, Va., 1956), 32. Possibly Byrd's cousin, Lady Berkeley, intervened with her husband on his behalf. However, considering that Bacon was related to Governor Berkeley himself, it is doubtful that a blood connection alone would merit forgiveness. More likely the "strengthening of traditional English attitudes toward social hierarchy in [late sixteenth-century] Virginia" saved Byrd. As a properly repentant gentleman, Byrd became indispensable to Berkeley in ways the insolent Bacon could not. See Horn, Adopting to a New World, 428.

[23]Bacon suffered from "the Bloody Flux . . . accompanyed with a Lousy Disease; so that the swarmes of Vermyn that bred in his Body he could not destroy but by throwing his shirts into the fire as often as he shifted himself." Berry and Moryson, "A True Account of the Late Rebellion in Virginia, By the Royal Commissioners, 1677," reprinted in Andrews, ed., Narratives of the Insurrections, 1675-1690, 139.

[24]Washburn, The Governor and the Rebel, 60-62, 66-67, 118-119.

fizzled, for Virginia's resident Indians Bacon's loose army more than achieved its racist objectives.[25]

Despite his "middling" heritage and his involvement with Bacon's Rebellion, William Byrd I advanced relatively quickly in Virginia society and politics. During his early years Byrd served as little more than a shopkeeper on the frontier, though he operated on a grand scale. In 1677, just one year after he had taken up arms against the government, he entered the House of Burgesses. He also regained his former position of commander in chief at the falls of the James. In 1682 Byrd achieved the pinnacle of his political success with appointment to the Governor's Council. Byrd now stalked the "polished halls" of government instead of muddy wilderness trails. A recognized authority on Indians, Byrd capitalized on his skill as a private trader to become a treaty negotiator. Byrd was "extreamly respected, and fear'd by all the Indians round about, who, without knowing the name of any Governour, have been kept in order by Him [Byrd]."[26] Even though Byrd had

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[25]In the years immediately after the rebellion the Virginia assembly--reversing established policy--ruled that Indians could be enslaved for life. Morgan, American Slavery, American Freedom, 329. See also, Peter Wood, "The Changing Population of the Colonial South: An Overview by Race and Region, 1685-1790," in Wood, Waselkov, and Hatley, Powhatan's Mantle, 40-43.

[26]Beverley, The History and Present State of Virginia, 204.

removed himself from the frontier, he had not lost interest in the region, especially in matters of trade and defense. As an Indian trader--especially one who had on occasion personally accompanied his trading expeditions to the west--Byrd's residence at the falls had been advantageous. However, with his increasing reliance on tobacco and his use of agents to conduct the day to day work of the Indian trade that location became less useful. In light of this shift in the focus of Byrd's attention it is not surprising that he moved from the falls to the more centrally located Westover in the early 1690s--just twenty-five miles upriver from Jamestown.[27] A home near the center of Virginia's political power also facilitated his new role as a shaper of frontier policy over his former activities as a mere participant in frontier events.

Most Virginians of that day recognized that by extending settlement into the interior they would at the same time protect those plantations already established along the Chesapeake. The gentry, however, was generally unwilling to leave such expansion to chance. To do so would invite a frontier settled by runaway servants and slaves--men who knew how to survive in the new world wilderness, but who were not inclined to respect or honor

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[27]William Byrd I to Daniel Horsmanden, 25 July 1690, Correspondence of the Three William Byrds., 1:121-122.

the authority of the elite. Instead, Virginia's leading men hoped to settle their colony's frontier regions with a loyal, tractable, and, ideally, dependent population. These dignitaries acknowledged foreign Protestants as an ideal source for settlers. Anglican Virginians favored Protestants for obvious reasons of spiritual fraternity and as a bulwark against the perceived threats of Catholic France and Spain. They choose foreigners for risky frontier settlements at the behest of the British government. During the colonial era London authorities actively encouraged foreign immigration to North America as a means of increasing the colonial population without hazarding a similar reduction of human wealth in the British Isles.[28]

William Fitzhugh, one of the first Virginians to suggest settling foreigners on Virginia's frontiers, attempted to do so by exploiting France's 1685 revocation of the Edict of Nantes. The following year Fitzhugh proposed to locate up to 200 Huguenot families on lands he owned in Stafford County (now Prince William or Fairfax), an area then on the edge of European settlement. Fitzhugh set forth the advantage of his "good Land," which was "more proper for french men,

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[28]R. J. Dickson, Ulster Emigration to Colonial America, 1718-1785 (London, 1966), 181.

because more naturally inclined to vines."[29] Furthermore, Fitzhugh would be able to be of service to his "friends" and, perhaps most important, to himself: "By profitably either selling or tenementing my Land, [for] till so done, [it] is rather a charge than profit."[30] While he did not explicitly say so, Fitzhugh must also have been aware that the proposed settlement on his then vacant lands would protect his more valuable plantations from the "Inroads of the Seneca Indians into our Country."[31]

Neither Fitzhugh, nor his fellow aristocrats, succeeded in their 1686 quest of luring French Protestants to Virginia. The Huguenot refugee Durand explained his own return to Europe in 1687 by noting that he had found Virginia "very fine & very beautiful . . . if [only] the preaching were in French."[32] Regardless of

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[29]William Fitzhugh to Nicholas Hayward, 20 May 1686, in Richard Beale Davis, ed., William Fitzhugh and His Chesapeake World, 1676-1701: The Fitzhugh Letters and Other Documents (Chapel Hill, N.C., 1963), 189.

[30]Ibid., 190.

[31]Fitzhugh to the Honorable Nicholas Spencer, 4 July 1687, ibid., 232. Virginians were fearful of invasion by the Seneca, or Northern Indians (the Iroquois) throughout the late seventeenth century. See ibid. 232, note 2.

[32]Durand, Voyages d'un François Exile pour la Religion avec une description de la Virgine & Marilan dans L'Amerique (orig. ed. 1687; trans. and ed. by Gilbert Chinard as A Huguenot Exile in Virginia; or Voyages of a Frenchman Exiled for His Religion, with a Description of Virginia and Maryland [New York, 1934]), 143.

his own reluctance, Durand did encourage other French Protestants to consider the Chesapeake region, explaining that all Virginians seemed anxious to sell lands to the Huguenots.[33]

France unintentionally cooperated with Virginia's needs when it renewed its active persecution of French Protestants. Countless Huguenots left France in the latter part of the 1680s for the Netherlands and England. A number of these refugees joined William's Dutch army that accompanied him to England in 1688. England's new King rewarded the homeless Huguenots with an invitation to migrate to his North American empire and a gift of "Three thousand pounds Sterling," to offset the costs of transporting them to the New World.[34] William intended that the Huguenots should settle in North Carolina, just south of Norfolk, a location opposed by William Byrd II, the Burgesses' agent in England. Byrd presented a proposal to the Board of Trade outlining why a location wholly within the bounds of Virginia would be superior to the Huguenots' intended destination. The border site, he argued, was "low Swampy ground, unfit for planting and

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[33]See note in Fitzhugh and his Chesapeake World, 247; and Chinard, ed., Voyages of a Frenchman 154, 159-160, 164.

[34]R. A. Brock, ed., Documents, Chiefly Unpublished, Relating to the Huguenot Emigration to Virginia and to the Settlement at Manakin-Town . . ., (Richmond, Vir., 1886), viii, and D. Bluet et al, to Governor Francis Nicholson of Virginia, [1700], ibid., 54.

Improvement, and the air of it very moist and unhealthy." The "upper part of the James River," by contrast, contained "good land and as wholesome Air as any place in America." Furthermore, "provisions" in Virginia were "much Cheaper and Assistances of all kinds nearer at hand." A border "Dispute betwixt the Government of Virginia and the Proprietors of Carolina" would lead to a "perpetual Vexation" of land titles of the immigrants. A move to Virginia--an older, established, and royal colony--would enrich the King's coffers in ways that a move to the new proprietary colony of Carolina could not. Finally, "If these people should settle in that Fog end of N. Carolina . . . all of [Virginia's] criminals and servants would run away thither for protection."[35]

Protection from what? From the orderly society of Virginia maintained by gentlemen such as Byrd. If the Huguenots resided in the Old Dominion, Virginia could save these poor refugees from the unsavory Carolinians. In return, the Huguenots could defend Virginia from dangerous Indian attack. It would be far better for the Huguenots to guard the good and wholesome planters of Virginia than the criminals lurking in the Carolina swamps!

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[35](emphasis added) "Proposalls Humbly Submitted to the L'ds of the Councill of Trade and Plantations for Sending the French Protestants to Virginia. (Presented in the Year 1698 [by W. Byrd].)" ibid., 5-8.

The younger Byrd could not convince the Lords of Trade to shift the proposed settlement from North Carolina to Virginia. His father, however, saved the situation. When the French Protestants arrived at Hampton in 1700, the elder Byrd persuaded the Virginia Council to defy its King and order the Huguenots to settle at the abandoned Indian village of Manakin above the falls of the James, an area then beyond the frontier of English settlement.[36] In doing so the council intended that the new community serve as a buffer to protect the valuable tidewater plantations from Indian attack. In helping the Huguenots, the Council also aided one of their own, Colonel William Byrd, whose significant property holdings near the Manakin site would increase in value once the Huguenots settled there.

Colonel Byrd and a detachment of soldiers accompanied the Huguenots to the site of Manakin town.[37] Unfortunately, for Byrd's grand plan, few of the Huguenots were farmers, none of them experienced in the rigors of frontier life.[38] Lieutenant Governor Nicholson

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[36]James L. Bugg, Jr., "The French Huguenot Frontier Settlement of Manakin Town," Virginia Magazine of History and Biography, 61 (October, 1953), 362-363. The Manakins had once been English allies, until Nathaniel Bacon declared them enemies. See Washburn, The Governor and the Rebel, 43-46.

[37]Bugg, "The French Huguenot Frontier Settlement of Manakin Town," 363-365.

[38]Ibid., 364.

described their "condition [as] so deplorable" that he feared "they must inevitably perish."[39] To prevent this dismal outcome the House of Burgesses allotted public funds to aid the French settlers, without which the outpost would have likely withered away. The colony did not aid the refugees for purely humanitarian reasons. The assembly made its goals clear in an act "for the encouragement of the said refugees to settle and remaine together . . . [at] the said Manaken towne."[40] The act specifically "exempted [them] from the payment of publick and county levies for the space of seven years."[41] Those French who settled in the more established parts of the colony were not eligible for this waver. Clearly, the costs of supporting the Huguenots would have been less had the council not insisted that they settle at the remote Manakin site. But, as Governor Nicholson reported, by locating the refugees at Manakin, "they would be astrengthening to the Frontiers."[42]

In part, because of the unexpected financial liability of the Manakin settlement, the Council

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[39]Ibid., 372.

[40](emphasis added), Hening, The Statutes at Large, December 1700, 3:201.

[41]Ibid.

[42]Nicholson to the Lords of Trade, 12 August 1700, in R. A. Brock, ed., Miscellaneous Papers, 1672-1865, . . . in the Collections of the Virginia Historical Society (Richmond, 1887), 64.

permitted the passengers of a fourth ship, the Nasseau, to "disperse themselves among the Inhabitants" of Virginia. Another compelling reason for the Council's seemingly indulgent behavior may be found in the background of these later arrivals. The passengers of the Nasseau, wealthier than their religious brethren, paid their own passage and could easily live independently of the Council's handouts. Thus the Council had no leverage with which to force the location of their settlement.[43]

In 1701 the assembly attempted to induce "societies" of "warlike christian" men to settle on Virginia's frontiers. These societies would receive between 10,000 and 30,000 acres depending on the number of fighting men each provided. Virginia's assembly would assume the costs of surveying the grant and would also pay the quitrents due the King on a portion of the grant. In return, the societies were required to settle "one christian man between sixteen and sixty years of age perfect limb, able and fitt for service" armed with "a well fixed musquett or fuzee, a good pistoll, sharp simeter, tomahawk" and the necessary powder and shot. Furthermore, each man had to live within a two hundred

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[43]Gabrielle Maupin Bielenstein, "How the Huguenots Fared in Virginia," in Peter Steven Gannon, ed., Huguenot Refugees in the Settling of Colonial America (New York, 1985), 95.

acre square. In the middle of each grant these "warlike" men were to construct forts for their defense.[44]

While Virginia's Council attempted to attract frontier settlers with a pronounced martial spirit, they also wanted to avoid those prone to independent mindedness and rebellion like Nathaniel Bacon. Although the Tidewater grandees would have preferred a less costly frontier settlement than the ill-prepared French at Manakin, they still welcomed the overall dependence of the Huguenots. According to Robert Beverley, in his 1705 history of Virginia, the Huguenots specifically relied on the wisdom, "Goodness and Generosity of Colonel Byrd." In his description of the relationship between the elder Byrd and the Huguenots, Beverley succinctly outlined the proper dependent relationship between a Virginia gentleman and a new inland settlement. Byrd "reciev'd [the Huguenots] with all the tenderness of a Father." Beverley could easily "imagin how necessary to an Infant Settlement, are the Assistances of so generous a Friend." He proclaimed that "God Almighty rais'd up this Gentleman" to aid the poor French.[45] William Byrd I, at least in the eyes of his peers, had risen far above his earlier reputation as a young frontier rebel to become an

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[44]Hening, Statutes at Large, 3:204-209.

[45](emphasis added) Beverley, History and Present State of Virginia, 283-284.

architect and benefactor of new inland communities. He was, however, soon eclipsed by his son.

William Byrd II was born March 28, 1674, on the plantation his father had inherited from Thomas Stegge at the falls of the James. Though literally a child of the frontier, William Byrd II, unlike his father, identified with Virginia's gentry from the very beginning and easily assumed a position of influence in Chesapeake society.[46] The younger Byrd never allied himself with rebellious frontiersmen. Backcountry residents became the recipients, not of his support, but of some of his most disdainful prose.

Like other aristocrats, Byrd's designed his lifestyle to establish his rightful place in society so that his fellow Virginians would never challenge his authority.[47] He rebuilt the wooden plantation house at Westover as an

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[46]Aubrey Land correctly notes that most of Virginia's great planting families are traceable to a "not very remote" ancester "who behaved like anything but a planter of the genteel tradition." But, "even their own sons escaped the grubby ways of the trader for the seductive routine of the gentleman planter, often to the detriment of the family fortune." Land, "Economic Behavior in a Planting Society," 475-476. William Byrd II certainly enjoyed the gentleman's life, courteously leaving it to his son, William Byrd III to gamble away the family's fortune.

[47]For a psychological profile of Byrd's motivations see, Kenneth A. Lockridge, The Diary, and Life, of William Byrd II of Virginia, 1674-1744. Chapel Hill, N.C.: University of North Carolina Press, 1987.

imposing brick edifice.[48] He ordered oil portraits of his London friends to hang in its halls and amassed one of the largest libraries in the Chesapeake.[49] Byrd continued to engage in the Indian trade, but, unlike his father, he apparently never accompanied his traders on their expeditions. He did travel extensively in the backcountry in other capacities, however.

The younger Byrd's frontier excursions differed in fundamental ways from those of his father. He first ventured into the interior as a government commissioner responsible for surveying the boundary line separating Virginia from North Carolina. Instead of following the well-established paths of the Indian trader, William Byrd II struck out across the landscape, translating an invisible line of latitude into a legal and, in Byrd's mind, cultural demarcation. As his crew transformed the draftsman's ink into the surveyor's blaze, Byrd engaged in the larger goal of subjugating the natural landscape under the purely abstract rationale of imperial decree.[50]

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[48]He did this in 1730 or 1731. Marambaud, William Byrd of Westover, 52. Thee is also some evidence that the mansion may have been built by William Byrd III, as late as 1752. See Dell Upton, Holy Things and Profane: Anglican Parish Churches in Colonial Virginia (Cambridge, Mass., 1986), 239, note 7.

[49]Byrd owned at least 3,600 volumes. Beatty and Mulloy, eds., Byrd's Natural History of Virginia, xix.

[50]See Gregory H. Nobles, "Straight Lines and Stability: Mapping the Political Order of the Anglo-American Frontier," Journal of American History, 80 (June 1993), 9-35. The European preference for straight lines even made it onto Native American maps. See Gregory A. Waselkov, "Indian Maps of the Colonial Southeast," in Peter Wood, ed., Powhatan's Mantle: Indians in the

Unwilling to meet the New World on its own terms, Byrd molded it to fit his own notions.

The map accompanying Byrd's History of the Dividing Line is disarmingly simple.[51] At first glance, it merely represents a straight line. Natural features are, for the most part, omitted, except where they intersect the line. Byrd and his fellow surveyors did not intend to depict the actual lay of the land but rather sought to impose order upon it and to provide a framework for future development. Byrd did not create a map of the world as it existed, but, rather, one of how it should be.[52] For Byrd personally, the dividing line represented far more than a jurisdictional division. The methods of determining the line's location, Byrd's descriptions of the people on either side of the line, and his actions following its creation all illuminate Byrd's underlying

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Colonial Southeast (Lincoln, Nebraska, 1989), 320-321. Nineteenth-century Virginians were suitably impressed with Byrd's "tremendous" undertaking. See William Wirt, The Letters of a British Spy, Richard Beale Davis, ed. (Chapel Hill, N.C., 1970 [orig. publ. 1803]), 105-106. Edmin Ruffin published The Westover Manuscripts: Containing the History of the Dividing Line betwixt Virginia and North Carolina; A Journey to the Land of Eden, A.D. 1733; and A Progress to the Mines. Written about 1728 to 1736, and Now First Published, in 1841.

[51]The map is an enclosure in William K. Boyd, ed., William Byrd's Histories of the Dividing Line Betwixt Virginia and North Carolina (Raleigh, N.C., 1929; reprint New York, 1967).

[52]Nobles, "Straight Lines and Stability," 10-11.

assumptions about society and the world he believed it his duty to create.

The methodologies and assumptions of Byrd and his colleagues differed sharply from those of an earlier 1710 attempt to survey the boundary line. The leaders of the 1710 expedition included the folk knowledge of frontier inhabitants--both Indian and white--in the execution of their survey. Philip Ludwell and the other commissioners began that survey by journeying to the "Nottoway Indian town," where they questioned "three Wyanoke women." Later they examined "Peter, the great man of the Nansemond Indians."[53] In questioning these Native Americans the surveyors intended to establish the location of Wyanoke Creek, one of the few physical features mentioned in the boundary's description. To that same end the surveyors also interviewed a number of nearby white settlers. In both cases the 1710 expedition implied that local inhabitants could have at least a minimal voice in the definition of their community.

In contrast, the 1728 boundary line expedition relied almost exclusively on their surveyor's instruments, for as Byrd recorded, the untrustworthy frontiersmen "had a great Mind to know where the Line wou'd come out, being for the most part Apprehensive lest their Lands Should be

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[53][Philip Ludwell], "Boundary Line Proceedings, 1710," Virginia Magazine of History and Biography, 4 (1896), 35-36.

taken into Virginia." Thus, the answers of backcountry inhabitants could not be trusted.[54] There was a more fundamental reason for the settlers to clamor about Byrd and his fellow commissioners. Unlike a riverine boundary, or a metes and bounds survey that utilized natural features for corners, only Byrd and his surveyors could understand, or even locate the astronomical boundary, the latitude of 36° 30'.[55] The folk knowledge of those who actually lived in the backcountry no longer mattered.[56]

To be sure, Byrd and his companions visited the same Indian village as Philip Ludwell had called on eighteen years earlier, but for different reasons. Instead of useful information, Byrd and his companions sought only

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[54]William Byrd II, 19 March 1728, History of the Dividing Line betwixt Virginia and North Carolina Run in the Year 1728, in William K. Boyd, ed., William Byrd's Histories of the Dividing Line Betwixt Virginia and North Carolina, 74, hereafter abbreviated as Byrd's History. Byrd's other journal, The Secret History of the Line, hereafter abbreviated as The Secret History is reprinted in this same volume. The two volumes are printed verso and recto in matching entries for ease of comparison.

[55]The second Carolina charter of 1665 granted the proprietors a northern boundary of 36°30' so as to include the meager settlements around Albemarle Sound within the new colony.

[56]The reliance on instruments ultimately frustrated the Virginians for they "now found that instead of gaining a large tract of land from North Carolina, the line now comes rather nearer to Virginia than that [boundary] which Carolina has always" claimed. Governor Gooch to the Council of Trade, 8 June 1728, Calendar of State Papers, Colonial Series, 36:125.

to glimpse the "Copper Colour'd [beauties] of Nottoway town." They sent "Notice by a Runner that [they] were coming, that the Indians might be at home to entertain [them]."[57] Women of other races fared no better in Byrd's account. For while Byrd took great care to remind those around him of his gentility, the frontier remained a place where a gentleman could easily engage in such licentious behavior. Byrd recounted adventures with "a Dark Angel [who] surpriz'd us with her Charms".[58] Later, the surveyors "invited a Tallow-faced Wench . . . to drink with them, and when they had rais'd her in good Humour, they examined all her hidden Charms."[59] Byrd rarely encountered "good women" in his frontier travels. Instead, he found women who were "of too strong passions," or "full of discourse but void of discretion."[60] In the backcountry even a "young gentlewoman" might fail. One had run away with an overseer, "a dirty plebeian" in Byrd's view. In doing so she had committed, Byrd wrote, an act of "the lowest

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[57](emphasis added), William Byrd II, 7 April 1728, The Secret History, 113.

[58]Byrd, 11 March 1728, ibid., 57.

[59]Byrd, 12 March 1728, ibid., 59.

[60]William Byrd, A Journey to the Land of Eden, in Louis B. Wright and Marion Tinling, eds., William Byrd of Virginia: The London Diary (1717-1721) and Other Writings (New York, 1958), 615; and A Progress to the Mines, in ibid., 625.

prostitution."[61]

Byrd's overall opinions toward the frontier also resemble his views toward women in general. He refused to tolerate any man who could not control his wife or daughters. Likewise, his most consistent criticism of the Carolina backcountry was that the people made little effort to master the physical environment around them.[62] Instead they succumbed to its charms. Rather than industry, "the great felicity of the Climate [and] the easiness of raising Provisions [encouraged] the Slothfulness" of the Carolinians.[63] "Surely," Byrd complained, "there is no place in the World where inhabitants live with less Labour than in N[orth] Carolina."[64] He ascribed their laziness in part to the

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[61]William Byrd II, A Progress to the Mines, 624.

[62]See William Byrd II, A Progress to the Mines, 623-624, and entries for 4 April 1728 and 16 November 1728 in Byrd, History, 110, 304. For a detailed explanation of the feminization of the frontier and the landscape in general see, Annette Kolodny, in The Lay of the Land: Metaphor as Experience and History in American Life and Letters (Chapel Hill, N.C., 1975). On the role of women in Bacon's rebellion see, Terri L. Snyder, "Bacon's Rebellion and the Paradox of Female Power in Early Colonial Virginia." Unpublished paper presented at the Ninth Berkshire Conference on the History of Women, Vasser College, June 13, 1993.

[63]Byrd, History, 92.

[64]Ibid., 90, 92. Many elite Virginians shared Byrd's negative assessment. In 1711 Governor Spotswood had observed that "the Country of North Carolina has long been the common sanctuary of all our Runaway Servants and all others that fly away from the due execution of the Laws." Governor Alexander Spotswood to the Earl of Rochester, 30 July 1711, in R. A. Brock, ed., The Official Letters of Alexander Spotswood, Lieutenant-Governor of the Colony of Virginia, 1710-1722, . . . (Richmond, Va., 1882), 106.

bountiful nature of the land, although the lack of a well developed social hierarchy worsened the problem.

In the opening pages of his History of the Dividing Line, Byrd alerted his readers to expect the worst from the primitive society he was about to enter--a place little known to upright Virginians. Surprisingly, the son of an Indian trader and explorer could not find anyone "to serve as Guides in that dirty Part of the Country" for upright "People knew just enough of that frightful Place to avoid it." Unlike Virginia, the North Carolina frontier only attracted those who wished to avoid "work and paying [their] debts."[65]

Byrd readily admitted that early Virginians were not unlike the North Carolinians he encountered: a people who "detested work more than famine." The leaders of the infant Jamestown settlement "were always engaged in factions and quarrels." Virginia would surely "have come to nothing, had it not been for the vigilance and bravery of Captain [John] Smith."[66] By Byrd's account, backwards North Carolina had not yet received the benefit of such a leader, nor was one likely to step forward. As a

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[65]Byrd, 2-4 March 1728, History., 38, 40.

[66]Ibid., 3. Virginians were not alone in their hierarchical view of society. The entire English-speaking world ordered its society in a similar fashion, though the criteria of elevation did vary from place to place. New Englanders valued visible sainthood, while blood relations counted for much in Old England.

gentleman and an experienced political leader, Byrd must have been horrified to find that the Carolinians were "rarely guilty of Flattering or making any Court to their governors, but treat them with all the Excesses of Freedom and Familiarity."[67] Apparently the Carolina commissioners were as disobedient to hierarchical authority as the people of North Carolina. When the Carolinians elected to turn back before the surveyors had reached the mountains, Byrd retorted that they were committing a "Vice, & this will ever be the Case, when Gentlemen execute the Orders of their Superiors by halves." Byrd and the Virginia surveyors pressed on, "lest his Majesty's Service . . . Suffer by any neglect or Mismanagement." Only by protecting the entire hierarchical order could a gentleman such as Byrd hope to protect his place within it.[68]

Byrd reluctantly referred to the Carolina commissioners as gentlemen, for they also had "as little spirit as inclination to work."[69] These men complained in turn that the "Virginia commission had something in it a little too lordly and positive."[70] Byrd, however,

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[67]Ibid., 96. See also Lucy L. Hazard The Frontier in American Literature (New York, 1927), 58.

[68]Byrd, 7 December 1728, in answer to the "Protest" of the Carolina Commissioners of 7 October 1728, The Secret History, 183, 185.

[69]Ibid., 176.

[70](emphasis added) ibid., 179.

depicted the majority of the Carolinians as anything but lordly, describing them instead in the most unflattering terms. One of his more extreme examples included a man "that Modestly call'd himself a Hermit," though, as Byrd pointed out, "he forfeited that Name by Suffering a wanton Female to cohabit with Him." The couple lived in "a Bower cover'd with Bark after the Indian Fashion." "Like the Ravens," the hermit "neither plow'd nor sow'd, but Subsisted chiefly upon Oysters, which his Handmaid made a Shift to gather from the Adjacent Rocks." When they could not find food the two would occasionally steal milk from "the Neighbor's Cows." Unashamed of their nakedness, Byrd concluded, "these Wretches live in a dirty State of Nature, and were mere Adamites, Innocence only excepted."[71]

Byrd hardly gave the insult lightly. In an imperfect world Adam had fallen the farthest of all God's creation. The church, especially the Church of England, brought order to what would otherwise be a most dreary existence. Like most members of the Virginia gentry Byrd belonged to the Anglican faith.[72] He considered the Church of

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[71]Byrd, 6 March 1728, History of the Dividing Line, 46.

[72]Robert Beverley reported that "The People are gennerally of the Church of England, which is the Religion establisht by Law . . . [there being] no more than five Conventicles amongst them, namely, three small Meetings of Quakers, and two of Presbyterians." Beverley, History and Present State of Virginia, 261.

England to be one of the bulwarks of civilized society and as a member of the elite he cheerfully assumed his responsibility to help preserve society as he knew it.[73] In preparing for the Dividing Line expedition, Byrd alerted the Carolina Commissioners that because "there are many Gentiles on your Frontier, who never had an opportunity of being Baptized," the Virginians intended to bring along a chaplain so as "to make them Christians."[74] Each Sunday the Rev. Peter Fontaine, of Byrd's own Westover church, provided services for the expedition and any backcountry residents in the vicinity. Despite his unrefined surroundings, Byrd, as a sign of respect to the church, bathed each Sunday and changed into "clean Linnen."[75] Just as Byrd painstakingly maintained the trappings of his own gentility, so he would not tolerate those who attempted to rise above their station. Byrd carefully recorded how a fellow commissioner "instructed one of the 3 Men [on the Virginia payroll] to call him Master, thereby endeavoring to . . . seem to have as many Servants as [Byrd]." Of

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[73]Marambaud, William Byrd of Westover, 61.

[74][William Byrd and the Virginia Commissioners to the North Carolina Commissioners], 16 Dec., 1727, in The Secret History, 21.

[75]Ibid., 217. Byrd's respect for the church was not without limits, however. The minister's special duties included those normally recquired of servants, such as darning Byrd's "Stockins." Ibid, 203.

course, "care was taken . . . to expose his Vanity."[76]

Byrd's deep hostility to North Carolina's backcountry rabble is further illustrated by the actions he took immediately after completing his dividing line survey. Besides acquiring a sizable estate, the "Land of Eden," from the Carolina commissioners, thereby assuring that its development would be properly supervised, he apparently never advertised his North Carolina properties within that colony.[77] He also actively resisted selling any of his speculative acres to the "mixt people that come from Pennsylvania."[78] Those "Goths and Vandals" of the New World, the Scots-Irish, were equally undesirable.[79]

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[76]Ibid., 153.

[77]Byrd christened his speculative acres the "Land of Eden." The label was site specific, however, for Byrd's did not intend to indiscriminately sing the praises of the upper Roanoke Valley, but to attract settlers to his personal domain.

[78]Byrd to Johann Rudolph Ochs, [1735?], Correspondence of the Three William Byrds, 2:451.

[79]Byrd to Peter Collinson, 18 June 1736, ibid., 2:493. Byrd was, of course, willing to sell to the Scots-Irish, but only if he were unable to find more suitable people. Byrd's social criticisms were not limited to backcountry Carolinians; he readily leveled his pen at anyone who stepped outside his or her station. In a letter to his factor in London Byrd complained that "shopkeepers have left off their bands, their frugality. . . . Luxury is bad enough amongst [peo]ple of quality, but when it grows among that order of men that [stand] behind counters, they must turn cheats and pickpockets to [get] it, and the Lord have mercy on those who are obliged to trust [to their] honesty." Byrd to "Gentlemen" [Addressee unknown] 27 June 1729. Ibid., 1:418.

Byrd intended to "settle a good number of forreign Protestants upon [his] land, not only to guard the frontiers, but also to lead the way in several useful improvements."[80] To achieve his goal he worked valiantly to attract some German-Swiss to his lands, a group he believed to "have commonly more vertue and industry than other people."[81] In his preference for foreign Protestants, Byrd exhibited the same bias as his father and former governor Alexander Spotswood who had encouraged the settlers of Manakin town and Germanna.[82] To that end he "prevaild with [the] Assembly, to make all forreign Protestants free from taxes for ten years, that shall come and inhabit" his Roanoke lands.[83]

Ultimately, Byrd--unsuccessful in seating his lands with the "industrious Swiss"--recruited settlers from

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[80]Byrd to [Gov. Gabriel Johnston, 1735?], ibid., 2:450.

[81]Byrd to John Perceval, Earl of Egmont, 2 July 1737, ibid., 2:521.

[82]Spotswood had established a settlement of Swiss miners at Germanna in 1714. South Carolina also tried to attract immigrants as a means of boosting their population against the twin threats of Spanish Florida to the south and slave revolts from within. In 1731 the southern colony established a bounty of free land and assistance with tools and supplies. This generous subsidy attracted a number of foreign migrants while it lasted. But, as the lands provided by the South Carolina assembly were located in the Piedmont pine barrens, immigration fell off once the bounty funds were exhausted. Dickson, Ulster Emigration to Colonial America, 49-51.

[83]Byrd to [John Bartram], 23 March 1738/9, Correspondence of the Three William Byrds., 2:531.

other American colonies. Even so, he refused to leave settlement to chance. Better that he, a gentleman, recruit settlers through personal contact with their representative (presumably someone of a somewhat elevated station who would weed out the less desirable elements). In this manner Byrd would accomplish two important goals: preserve the foundations of an ordered community and minimize his own financial risk.[84] Even with the Swiss, Byrd dealt almost always with the "prudent" Johann Ochs.[85]

Virginia's Tidewater gentry generally shared Byrd's social assumptions. Elective offices, through deference and custom, belonged to the elite, as did the best pews in the local church.[86] Throughout the day a planter meant to remind those around him--the slaves he owned, the poor neighbor whose tobacco he marketed, and the debtors that

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[84]Byrd strongly chastised the Swiss doctor, Samuel Tschiffely for misrepresenting the terms under which Byrd intended to sell his Roanoke lands. Byrd's "land was not to be parcelled out in small tracts to men that came singly and were not able to pay for them. On the contrary my agreement with you was, to get me a hundred families who were to purchase 24000 acres in a lump for ready money." (emphasis added) Byrd to Samuel Tschiffely, 15 Nov. 1740, ibid., 2:572.

[85]Byrd to Johann Rudolph Ochs [1735?], ibid., 2:451. See also William Byrd to [John Bartram], 23 March 1738/9 where Byrd refers to the Swiss as being "under the conduct of several gentlemen of fortune." ibid., 531.

[86]Isaac, The Transformation of Virginia, 1740-1790, 61, 90-94. Upton, Holy Things and Profane: Anglican Parish Churches in Colonial Virginia, 182-183.

appeared before him in the county courts--that he stood at the top, where all the social, economic, and political hierarchies of his world converged. Naturally, these men believed it to be their right and responsibility to provide direction for their community. For the first families of Virginia to allow the bounty of their colony's interior to slip away would be reckless in the eyes of their monarch, sinful in the eyes of their God, and a black eye to their own western visions of control and financial reward.

One way to control society would be for Virginia actually to govern the territories in question. William Byrd II complained that in the seventeenth century new colonies had been "carved out" and "dismembered from" Virginia. New York, for example, was but "another limb lopt off."[87] Byrd clearly opposed such pruning. In his mind these regions had been declared a part of Virginia and so they should remain. In 1740 he suggested that the process be reversed by detaching the northern portion of North Carolina and annexing the resultant strip of territory to Virginia.[88] Governor Alexander Spotswood had floated a similar proposal as the price for Virginia assisting North Carolina during the Tuscarora War of

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[87]Byrd, History, 1, 6-7.

[88]Byrd to John Carteret, Baron Carteret of Hawnes, 22 April 1740, in Correspondence of the Three William Byrds, 2:544-545.

1712.[89] Robert Beverley also acknowledged the reduction of England's oldest colony, though he believed that Virginia had reached its "least Extent." But even "in the most restrain'd Sense" Beverley believed that Virginia's western boundary would still be "the California Sea, whenever the Settlements shall be extended so far."[90]

The Virginia elite's relationship with the backcountry evolved during the years between the elder Byrd's Indian trading expeditions and his son's 1728 survey of the Dividing Line.[91] The elder Byrd had initially bartered with the New World on its own terms. His agents followed Indian trails to Indian villages where they traded for Indian goods. Native-Americans lived throughout the Virginia of William Byrd I,

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[89]Alexander Spotswood to the Lords Proprietors of Carolina, 11 Feb. 1713, Governor Alexander Spotswood Papers, Virginia Historical Society.

[90]Beverley, History and Present State of Virginia, 117, 118.

[91]Kenneth A. Lockridge argues that the younger "Byrd is a fascinating study in the construction of the Virginia variant of the wider gentry culture of eighteenth-century Anglo-America. It catches Byrd's father reaching for the original [while] William Byrd II finally adapted this original to local circumstance in order to maintain something like the cultural hegemony this class structure enjoyed in the British Isles at the time. Lockridge, The Diary, and Life of William Byrd II of Virginia, 1674-1744 (Chapel Hill, N.C., 1987), 154.

including seven families of Appomattox Indians in his own pasture.[92]

By the time of the 1728 dividing line expedition, his son sought out Virginia's increasingly marginalized native peoples only for his own amusement. Wealthy planters employed Indians "out of sympathy . . . as their hunters."[93] Fifty years later, the scarcity of Native Americans reduced Thomas Jefferson to excavating burial mounds to learn more about Virginia's ancient inhabitants.[94] Neither Indians nor unproductive white frontiersmen were necessary in the world of William Byrd II--he preferred to replace both with those industrious Swiss. Unlike his father, the younger Byrd no longer depended on the Indian trade for a preponderance of his livelihood. In addition to his mainstay of tobacco-farming, William Byrd II wanted to extract minerals, drain swamps, build canals, and found cities--in sum, to order society. By the middle of the seventeenth century the estates of Byrd and other leading men of Virginia

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[92]Ibid., 232.

[93][William Byrd II], William Byrd's Natural History of Virginia, 4.

[94]Thomas Jefferson, Notes on the State of Virginia, 99-100. After describing his excavation, Jefferson related that "thirty years ago" (circa 1731), a party of Indians had visited the barrow, implying that was the last visit by native Americans.

routinely exceeded a thousand acres.[95] Soon, however, even an estate of ten thousand acres seemed insufficient, a sum already accumulated by the young George Washington before he completed his military service in the late 1750s.

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[95]Morgan, American Slavery, American Freedom, 218-219.

Chapter III:
Paradise Lost

> "It was strange that in a savage forest of Pennsylvania, a young Virginian officer should fire a shot and waken up a war which was to last for sixty years, which was to cover his own country and pass into Europe, to cost France her North American colonies, to sever [Britain's from her] and create the great Western Republic . . . and of all the myriads engaged in the vast contest, to leave the prize of the greatest fame with him who struck the first blow!"
>
> William Makepeace Thackeray[1]

During the colonial era, royal governors rarely set foot in the North American colonies that they purportedly oversaw, preferring instead, following custom, to hire a lieutenant governor to do the actual administering of his majesty's distant dominions. Colonial Americans, despite their clearly secondary status, or perhaps because of it, routinely welcomed the King's representative with as much formality as circumstances permitted. When Virginia's newest lieutenant governor arrived at the small port of Yorktown in late November 1751, five of the colony's

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[1]Thackeray, The Virginians, 2 vols. (London, 1857-1859 [reprint New York, 1961]), 1:52-53.

councilmen escorted him into Williamsburg. The small borough's mayor and aldermen met the party at the edge of town after which everyone retired to Wetherburn's Tavern for dinner.[2]

The object of their attention, Robert Dinwiddie, a Scottish merchant who had risen through the ranks of imperial officialdom, knew what was expected of him in this ceremonial welcome. He must have been pleased the first time a colonial Virginian called him "Governor," though he may not have realized that this honorific promotion in turn elevated Virginia's importance. In his opening speech to the Council and Burgesses, Dinwiddie humbly gave thanks for being the recipient of such an honorable assignment. He promised to promote "Virtue, Piety, [and] Loyalty" and offered his assistance in "Securing Property, Encouraging and Extending Comerce, [and] Establishing the Peace, Safety and Regularity of an equitable and well-order'd Government."[3]

After pledging his assistance in these lofty endeavors, the new governor suddenly shifted to a more specific concern, "Cultivating a good Correspondence with

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[2]John Richard Alden, Robert Dinwiddie, Servant of the Crown (Williamsburg, Va., 1973), 1.

[3]Governor Robert Dinwiddie's address to the Council, Speaker, & House of Burgesses [1752], in R. A. Brock, ed., The Official Records of Robert Dinwiddie, Lieutenant-Governor of the Colony of Virginia, 1751-1758, . . . in the Collections of the Virginia Historical Society 2 vols. (Richmond, Va., 1883), 1:24-26.

the neighboring Nations of Indians." In Dinwiddie's view, the Indians must either "Love" or "Fear" the English. If Native Americans loved the English, then other European empires to the "Southw'd & Northw'd . . . wou'd never be able to influence the Indians against [the English]" as they had in fact been trying to do "with a View to posses and settle the interior parts of America, the back of our frontier Settlem'ts to the Westward." In closing, Dinwiddie returned to the honeyed words of politics by recommending that the Burgesses conduct their business in a spirit of "Benevolence and Unanimity."[4]

No member of the Virginia government openly contradicted Dinwiddie's assessment. To the Old Dominion's well-landed families, the governor's pledge to support the "Securing [of] Property" seemed to guarantee his compliance in their speculative activities. Based on their experience of the past seven decades, wealthy Virginians expected that they could continue to shape western policies to suit their own purposes. During that time Indians, frontiersmen, and royal governors, had been unable to challenge effectively the Tidewater lords' clout. Yet within the next two decades all three successfully contended with Virginia's elite for control of the Old Dominion's sprawling western claims.

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[4]Ibid.

Indian relations and backcountry security were the only specific policy issues Dinwiddie addressed in his first speech to the Virginia legislature. Why would a royal governor choose this time to discuss the most distant and thinly populated area of his new jurisdiction? The backcountry was, at that time, relatively quiet. In part, Dinwiddie simply followed precedent. Earlier governors had sounded the same warnings, as had colonial Virginians.[5] A quiet frontier proved nothing as long as the perfidious French roamed the interior, able to pursue their evil designs in league with their Indian allies. The experience of seventeenth-century Virginians had confirmed their own cynical assessment of Native Americans.[6] According to the hierarchical view of colonial Virginians, control--not co-existence--was the only suitable relationship between the English and the Indians.

Based on past experience Virginians were naturally confident of their ability to manage "their" Indians. Dinwiddie's predecessor, Governor Spotswood, had proudly

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[5]Alexander Spotswood had used the French threat to endear himself with Virginia's land speculators, most of whom were members of either the House of Burgesses or the Governor's Council, by arguing for increased frontier settlements. Billings et al., Colonial Virginia, 193-194.

[6]See Bernard W. Sheehan, Savagism and Civility: Indians and Englishmen in Colonial Virginia (Cambridge, 1980).

written the Board of Trade to inform them that even when the Indians went to war with neighboring colonies they "shew a regard for this Colony by saving some of our inhabitants who fell into their hands . . . and by applying to this government to beg a peace."[7] Virginians also knew how to apply a firm hand, as they did in 1726 when they found it "highly necessary that a strict watch be kept" on the tributary Nottoways. Because of a suspected transgression the government would not allow these Indians to "depart out of the lands appropriated for them without a pass." "Once a week" an inspector was to visit "Nottoway Town & there examine whether any . . . Indians be absent."[8]

Some of the tributary Indians refused to accept such a clearly subservient status. A number of the Saponi nation chose to live with the Catawba Indians on the river of the same name in the Carolina Piedmont rather than remain beholden to the Virginians.[9] The Council, however, proved unwilling to let the Saponi escape its oversight so easily. Before allowing the Catawba to

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[7]Alexander Spotswood to the Council of Trade, 16 February 1715, Governor Alexander Spotswood Papers, Virginia Historical Society.

[8]Council Minutes, 2 November 1726, Executive Journal, 4:121. Of course the lands "appropriated" to the Nottoway had been recognized as Indian property well before the Virginia Council donated them to the tribe.

[9]Council Minutes, 22 Oct. 1729, Ibid., 4:209.

enter into a treaty with Virginia, the Council insisted that the Catawba guarantee the good behavior of those Saponi who had joined them.[10] The Saponi's petition in 1732 to return "under the protection" of Virginia must have gratified Virginia's leaders and reinforced their belief that they understood Indians.[11] Those Native Americans that still remained in that part of Virginia settled by Anglo-Americans, despite their displeasure, were willing to publicly acknowledge the superiority of white Virginians.

The unsubjugated Iroquois and Cherokee proved less cooperative. While Virginians were, of course, familiar with these mighty Indian nations, they had always dealt with them from afar. Virginians had successfully negotiated agreements with both nations, principally concerning trade and Indian travel through the settled parts of Virginia. But in the mid-eighteenth century, for the first time, Virginians wished to settle on lands actively claimed by the Cherokee and Iroquois. The Blue Ridge Mountains separated these new settlements from the

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[10] Ibid.

[11] Council Minutes, 5 May 1732, Ibid., 4:269. For a description of Saponi relations with the Catawba and other Native American peoples, as well as their problems with Virginia, see James H. Merrell, The Indians' New World: Catawbas and Their Neighbors from European Contact through the Era of Removal (Chapel Hill, N.C., 1989), 101-102, 116.

more established Tidewater. Some of the proposed new settlements lay beyond the Allegheny Mountains as well.

Throughout the colonial era Virginians had attempted to control Iroquois travel through the Blue Ridge and Piedmont areas of the province.[12] The Iroquois, primarily concerned with their traditional enemies to the south of the Old Dominion, were willing to cooperate with the Virginians up to a point. They readily restricted their raiding parties to the Warrior's Path through the Shenandoah Valley, but strongly resisted relinquishing their right to the valley and other areas west of the Blue Ridge. When Virginia officials accused an Iroquois raiding party of brazenly attacking a group of Virginia settlers in the upper Shenandoah Valley, the Indians strongly asserted their innocence, claiming that they defended themselves only after being attacked by hostile Virginians. Governor Gooch wrote to his counterparts in Pennsylvania and New York requesting apprehension of the guilty Iroquois. Unwilling to assume Indian malfeasance, Governor Thomas of Pennsylvania offered to mediate the dispute. In his ensuing investigation he found that the Virginians had indeed initiated the attack. Governor

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[12]Francis Jennings, ed., The History and Culture of Iroquois Diplomacy: An Interdisciplinary Guide to the Treaties of the Six Nations and their League (Syracuse, N.Y., 1985), 40.

Gooch acceded the point and paid one hundred pounds to the Iroquois as reparation.[13]

Undaunted by this minor setback, Virginia, together with Maryland and Pennsylvania, met in 1744 with the Iroquois in Lancaster, Pennsylvania, in an attempt to soothe relations with the Six Nations. The Virginia Commissioners, led by councilman Thomas Lee, hoped to persuade the Indians to renounce their claim to all lands in Virginia. Unlike Virginia's small tributary nations, however, the Iroquois refused to be intimidated by the Old Dominion's commissioners. The Shenandoah belonged to the Iroquois, they maintained, by "right of Conquest--a right too dearly purchased and which cost . . . too much Blood to give up without any reason at all."[14] Virginia's representatives countered, to no avail, that the Iroquois had not occupied the area in question. Finally, after many days of negotiations the Iroquois renounced their right to "all lands within [Virginia] as it is now or hereafter may be peopled and bounded by his

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[13]This battle occurred on the north fork of the James River in the upper Shenandoah Valley sometime in December 1742; Charles E. Kemper, "The Early Westward Movement of Virginia, 1722-1734," Virginia Magazine of History and Biography 13 (July 1905), 11-14, note 8.

[14]Iroquois chief as quoted in Kemper, "The Early Westward Movement of Virginia," 5, note 4.

said Majesty," the King.[15] The Iroquois, well aware of where Anglo-Virginians lived east of the Appalachians, clearly did not appreciate the sweep of territory claimed by colonial Virginians, nor did they recognize the territorial pretensions of Virginia's leaders.[16]

Of course, the forward-looking Virginia commissioners never forgot either their territorial aspirations or the anticipated settlement of the Old Dominion's western realm. English Virginia had been growing since the founding of Jamestown. In the early eighteenth century, however, the expansion of white settlement in Virginia increased dramatically. The fall line had briefly stalled this westward impetus, but once crossed, Virginians of all ranks rapidly filled up the colony's

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[15](emphasis added) Quoted in Jennings, Empire of Fortune, 10. See Kemper, "The Early Westward Movement of Virginia," 141-142. Kenneth P. Bailey notes that the "Iroquois believed they had sold land only up to the headwaters of the rivers flowing westward into the Ohio [the eastern continental divide]; they believed they had successfully maintained claims in Virginia; they assumed they had received a guarantee of an open trail to the country of the Catawba; and that Virginia had promised to feed their warriors in route. On the other hand, the Virginia government was under the impression that all Iroquois claims to land within that colony had been extinguished." Christopher Gist: Colonial Frontiersman, Explorer, and Indian Agent (Hamden, Conn., 1976), note 3, 156.

[16]The Iroquois were not alone in their understanding of Virginia's extent. In 1731 London authorities had ordered Governor William Gooch to have "a General Map of [Virginia] from the sea to the utmost extent thereof now inhabited." (emphasis added) Council Minutes, 2 Nov. 1731, Executive Journal, 4:253.

Piedmont region.[17] Most settlers simply continued to follow the waterways, in the same manner as seventeenth-century Virginians who had spread along the deeply indented shoreline of Chesapeake Bay.[18] While the Piedmont's population and economy soon grew to equal that of the more established settlements to the east, it never challenged the political, legal, and cultural dominance of the Tidewater.[19]

To the surprise of Virginia's leaders, men who certainly thought they understood how their society worked, this easily observable pattern did not continue beyond the Piedmont. While some Anglo-Virginians continued to move westward, they were hampered by the leafy ramparts of the Blue Ridge Mountains. Instead, the majority of settlers to the west of this barrier were Scots-Irish and Germans, most of whom flowed directly into the backcountry along the flat, fertile, Shenandoah Valley. Initially, the Tidewater grandees were able to

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[17]Shaw Livermore, Early American Land Companies: Their Influence on Corporate Development (New York, 1939), 75-77.

[18]Southside settlers did have to travel overland. Nonetheless, the overwhelming majority originated in Virginia's Piedmont and Tidewater. Michael Lee Nichols, "Origins of the Virginia Southside, 1703-1753." (Ph.D. diss., College of William and Mary, 1972), 46-49.

[19]A. G. Roeber, Faithful Magistrates and Republican Lawyers: Creators of Virginia Legal Culture, 1680-1810 (Chapel Hill, N.C., 1981), 38. See also Billings et al., Colonial Virginia, 211, 246, 273.

maintain their authority, especially in the lower, or northern, valley where Robert "King" Carter, as land agent for the Fairfax Proprietary, had generously disposed of His Lordship's acres on extremely advantageous terms to Carter's own friends and family. He granted over 11,000 acres to his son-in-law, Mann Page. Another 50,000 acres were divided amongst other Carter progeny.[20] Carter realized that most of the patentees had no interest in immediately removing themselves to the valley. More likely they wanted to hold their easily acquired estates for future speculation, or as a hedge against soil exhaustion in their Tidewater plantations. Consequently, Carter rarely collected the quitrents due Lord Fairfax. Nor did he require that any settlement actually take place.[21]

Governor Gooch disputed Lord Fairfax's claim to the lower Shenandoah Valley and disagreed with Carter's languid land policies. In part, as the King's representative, Gooch wanted to protect his Majesty's dominions from private usurpation. The governor also believed a thickly settled backcountry would better protect the Tidewater and Piedmont from bellicose Indians than the thousands of empty speculative acres held for

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[20]Warren Hofstra, A Separate Place: The Formation of Clarke County, Virginia (White Post, Va., 1986), 3.

[21]Ibid., 5.

future profit by Carter and others. Gooch, who had taken prompt action to settle the long-standing boundary dispute with North Carolina in 1728, moved immediately to grant lands in the disputed zone of the lower Shenandoah Valley.[22]

Like Carter, Gooch preferred to offer large tracts to individuals, but, unlike Carter, he and the council differed by requiring these men to seat "one family for every one thousand acres in their grant."[23] Of course, the council expected these agents to patent a large portion of these acres to themselves. Gooch, "always inclined to favor the people who have lately removed from other provinces to settle on the western side of [Virginia's] great mountains," encouraged settlement by foreign Protestants.[24] In that preference Gooch's frontier policy strongly resembled earlier schemes to settle foreign Protestants at Manakin and Germanna.[25]

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[22]Frank W. Porter, III, "Expanding the Domain: William Gooch and the Northern Neck Boundary Dispute," The Maryland Historian 5 (1974), 1-2.

[23]Ibid.

[24]William Gooch to the Synod of Pennsylvania, 28 May 1729, as quoted in ibid.

[25]Even though the Council had strongly encouraged the homogeneous settlement at Manakin "in order that they might strengthen the frontier," the originally isolated French settlers soon acclimated to Virginia society, adopting the language, liturgy, and culture of their Anglo-Virginian neighbors. Bugg, "French Huguenot Frontier Settlement of Manakin Town," 393.

As a result of these policies the social fabric of the Shenandoah Valley differed markedly from that of Tidewater Virginia. While threads of Carters, Lees, Washingtons, and other Tidewater families were laced throughout the valley, new strands now appeared. Local elites included immigrants such as the German Jost Hite and the Irish Quaker Alexander Ross. Extensive land grants assisted both men in their rise to power.[26] A few years later, in 1734, the Council appointed Hite as a Justice of the Peace--a familiar rung to anyone climbing the ladder of political power in the Old Dominion.[27] Another immigrant, James Patton of Donegal County, Ireland, became the first high sheriff of newly established Augusta County in 1745. In each case, these men choose to emulate, rather than challenge, Virginia's leading men, thereby greatly boosting the self-esteem of the Old Dominion's eastern oligarchy.[28]

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[26]Council Minutes, 21 October 1731, Executive Journal of the Council of Colonial Virginia, 4:253 and 28 October 1730, ibid., 229.

[27]Council Minutes, 23 April 1734, ibid, 318-319. On the role of justices of the peace in Virginia politics see Charles S. Sydnor, American Revolutionaries in the Making: Political Practices in Washington's Virginia (New York, 1965) [originally published as Gentlemen Freeholders (Chapel Hill, N.C., 1952)], chapter 5, "Gentlemen of Long-Tailed Families," 60-73.

[28]Turk McCleskey, "Rich Land, Poor Prospects: Real Estate and the Formation of a Social Elite in Augusta County, Virginia, 1738-1770," in The Virginia Magazine of History and Biography, 98 (1990): 485-486. Thomas Perkins Abernethy, Western Lands and the American Revolution, 4.

Overall, the expansion of inland settlements appeared to be a simple and easily manageable process. By the 1740s Governor Gooch, with the assistance of the Council, had realized William Byrd's dream of settling foreign Protestants on the frontier, though not in the manner that Byrd had intended. Instead of small, orderly settlements of industrious Swiss, thousands of Scots-Irish and German dissenters swept through the Virginia backcountry.[29] Despite these differences, the House of Burgesses and the Council, both still absolutely dominated by Anglo-Virginians, proved quite willing to establish new county governments west of the Blue Ridge.

This readiness to erect new county governments in the west reflected a confidence not in Virginia's newest settlers, but in the colony's well-established legal tradition. The House of Burgesses always formed new counties by dividing an older county that had become either too populous or too large. Up until the moment of separation, citizens of the new county remained citizens of the parent jurisdiction. Not only were they familiar with forms and practices of local government in Virginia,

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[29]In the Shenandoah Valley, settlers of English origin were in the definite minority. In 1775, they constituted only 18% of the population of Rockbridge County; 20% in Augusta; 24% in Rockingham; 22% in Shenandoah; 40% in Frederick; and 36% in Berkeley. Robert D. Mitchell, Commercialism and Frontier: Perspectives on the Early Shenandoah Valley (Charlottesville, Vir., 1977), 35, 43; Hofstra, A Separate Place., 7-8.

they were usually familiar with the justices of the peace, attorneys, and other local leaders. In describing the separation of Botetourt County from Augusta, John Aylitt "imagine[d] there will be but four Lawyers that will practice the law there, all of which are well acquainted with the inhabitants of Botetourt County which advantage I assure is an agreeable aspect."[30] County surveyors, through their connections with the College of William and Mary, and members of the House of Burgesses served as cultural conduits between the colonial elite and any new counties in the backcountry.[31]

For the most part, settlement of the Shenandoah Valley, like the Piedmont, was orderly, especially before the 1750s. There were few incidents of illegal settlement and on those occasions when squatting did occur, it appears to have been mainly a concern to local elites, who saw squatters as a challenge to their

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[30]John Aylitt to William Preston, 10 January 1770, Preston Family Papers, Virginia Historical Society. Self interest also influenced the creation of new western counties. Colonial Virginians were not the only ones who believed their own needs paramount. Colonial Maryland's legislature viewed the opportunities available in their limited backcountry in much the same manner as their fellow planters in the southern Chesapeake. See Aubrey C. Land, The Dulanys of Maryland: A Biographical Study of Daniel Dulany, The Elder (1685-1753) and Daniel Dulany, The Younger (1722-1797) (Baltimore, Md., 1955), 197-198. The limited possibilities in Maryland's abbreviated backcountry led that state's Revolutionary generation to adopt attitudes very different from their Virginia brethren.

[31]Hughes, Surveyors and Statesmen, 156.

community authority.[32] For the distant Tidewater lords squatters were of less bearing. After all, these illegal occupants had no claim to the land--and if evicted they would lose all right to any improvements they had made.[33] Furthermore, unauthorized settlers usually preferred those areas where they were least likely to be challenged--either on ungranted crown lands or in regions of little interest to the elite, such as Southside Virginia.[34] Instead, Virginia's land barons now turned their attention to the "Land of the Western Waters," the trans-Appalachian West.

With the completion of the Lancaster Treaty, Virginians believed they had successfully extinguished Indian title to the region between the Blue Ridge and the Ohio River. Their interpretation of the treaty became quite clear when upon their return to Williamsburg they registered the so-called treaty with the General Court as

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[32]Warren R. Hofstra, "Land, Ethnicity, and Community at the Opequon Settlement, Virginia, 1730-1800," Virginia Magazine of History and Biography, 98 (1990): 427, and Robert D. Mitchell, Commercialism and Frontier, 34-35, 78; Albert H. Tillson, Jr., Gentry and Common Folk: Political Culture on a Virginia Frontier, 1740-1789 (Lexington, Ky., 1991), 44.

[33]See chapter 1 for an explanation of how other colonies viewed squatters.

[34]Richard R. Beeman, The Evolution of the Southern Backcountry: A Case Study of Lunenburg Country, Virginia, 1746-1832 (Philadelphia, Pa., 1984), 18, 24.

a deed.[35] While treaty commissioner Thomas Lee had not explained the full extent of Virginia's pretensions to his Iroquois counterparts, he and other Virginians had, by mid-century, eagerly dusted off their ancient charter with its expansive "Sea to Sea" boundaries.[36] In the 1750 annual report to London, Lee, now serving as interim governor, described Virginia's western border as the "South Sea . . . including California." Anticipating continued expansion, he promised that Virginians would secure in the West "the strongest frontier [in] any of the King's Dominions in America; since the Lands are rich on the Aligany and Ohio [rivers] where . . . more People may conveniently settle than at this time inhabit Pennsylvania, the Jerseys and New York."[37]

Lee did not detail how Virginia would accomplish this ambitious endeavor, but he clearly expected the Ohio Company, a group that has been described as "the cream of Virginia aristocracy," to figure prominently.[38] In

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[35]"The Treaty of Lancaster, 1744," reprinted in Virginia Magazine of History and Biography 13 (October 1905), 142.

[36]William Stith reprinted the original charters in his 1747 The History of the First Discovery and Settlement of Virginia. See Billings et al., Colonial Virginia, 248.

[37]Thomas Lee as quoted in Billings et al., Colonial Virginia, 249.

[38]Kenneth P. Bailey, The Ohio Company of Virginia and the Westward Movement, 1748-1792: A Chapter in the History of the Colonial Frontier (Glendale, Cal., 1939), 35.

addition to Lee and Governor Dinwiddie, this influential enterprise included members of the Washington, Carter, Fairfax, Mason, and other leading families in the Old Dominion.[39] From the time of its inception in 1748 through 1774, the Ohio Company had at least one member who sat on the Governor's Council. The Company's interests were also well represented in the House of Burgesses.[40]

Thanks in large part to its eminent membership, the Ohio Company's representatives had little trouble

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[39]Marc Egnal attaches great importance to the concentration of Ohio Company members in the Northern Neck. "Geography," he writes, "played a crucial role" in attitudes toward expansion. Marc Egnal, A Mighty Empire: The Origins of the American Revolution (Ithaca, N.Y., 1988), 92. Virginia's non-expansionist faction tended to live south of the Rappahannock. Instead of the Ohio Company, they invested in the Loyal Company, whose western land grant was located in the Kentucky region. Egnal argues that members of the "nonexpansionist" Loyal Company "generally contented themselves with the sale of western tracts." Ibid., 96. But western lands could not be sold without an expansion of settlement. But, the Loyal Company did not have to contend with either the French or the competing claims of a neighboring province to the same extent as the Ohio Company. Much of the Ohio Company's aggressive stance should instead be attributed to its fear that if it did not claim their lands, others would. Egnal also ignores the important role of family in determining Company memberships. As Kenneth Bailey has pointed out, the Ohio Company was, "on the whole, a closely related body. . . . not only a business, political, and social relationship; but also consanguinity." Thomas Lee, for example, was joined by his three sons and a son-in-law. His son, Richard Henry Lee, married a daughter of John Augustine Washington. George Mason was John Mercer's nephew and cousin to his three sons. Mason's daughter married William Thornton and his aunt married the brother of Robert Dinwiddie. Bailey, Ohio Company of Virginia, 59-60.

[40]Bailey, Ohio Company of Virginia, 36-37.

persuading the governor to bestow a grant of 200,000 acres at the forks of the Ohio (in what is now western Pennsylvania) to the company in 1749, with 300,000 additional acres to be available once the company met the minimum requirements of settlement.[41] No doubt Lee presented the request in a most favorable manner. His fellow councilman, John Lewis, while not an associate of the Ohio Company, did belong to the Loyal Company. The council blessed his group of Virginia speculators with a grant of 800,000 western acres.[42] John Robinson, the president of the council, did not belong to either group. He had been taken care of earlier when the council conveyed 100,000 acres to his Greenbrier Company, as had councilman John Blair, who with his associates received 100,000 acres.[43]

The council's largess in its own behalf merely continued a decades-old trend. In matters of size,

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[41]The Company's success in securing its grant, was due, in part, to the foresight of company founders in including the influential London merchant John Hanbury on its membership roll. Hanbury used his connections with the Crown to attain the Council of Trade's approval of the Company's grant.

[42]Minutes of the Council, 12 July 1749, Executive Journals of the Council of Colonial Virginia, 5:295-297; James Titus, The Old Dominion at War: Society, Politics, and Warfare in Late Colonial Virginia (Columbia, S.C., 1991), 11.

[43]Minutes of the Council, April 26, 1745, ibid., 172-173, and 4 November 1745, Executive Journals of the Council of Colonial Virginia., 195.

location, and daring, however, these new grants differed substantively from all that came before. Earlier grants had rarely exceeded twenty thousand acres and no lands had been patented west of the Appalachian Mountains. By contrast, the sweeping land grants to the Ohio, Loyal, and Greenbrier companies often lay hundreds of miles beyond the farthest edge of Anglo-American settlement.

Of those people interested in the Virginia backcountry, both common settler and wealthy speculator agreed that expansion would take place. They disagreed initially on the direction of that expansion. The many German and Scots-Irish immigrants to Virginia's backcountry followed the path of least resistance down the broad Shenandoah Valley. The valley's appeals were obvious: abundant fertile land, natural meadows that lessened the labor necessary to clear the land, and an absence of resident Indians to contest Euro-American settlement. Virginia's comparatively cheap land prices easily enticed pioneers from the more expensive and increasingly crowded colony of Pennsylvania. Similar lands beckoned from farther to the south in the Carolina Piedmont.

Ohio Company members believed that while the frontier expansion at that time tended toward the southwest, it would soon switch to the northwest, especially if given the proper encouragement. The quality of Ohio Valley

lands certainly appealed to the prospective farmer. But compared to the Shenandoah Valley, the Ohio suffered from its perceived remoteness and its very real Indian presence. The would-be speculators easily surmounted objections to the Ohio's distant location. Company members, many of whom lived in Northern Neck, insisted that the Potomac provided the most direct and efficient route across the mountains. They savvily argued that the "Waters of the Mississippi and those of the Potomac are only separated by One small Ridge of Mountains easily passable by Land Carriage [over which] British Goods may be carried at little Expence."[44] A route through "the heads of the Potomac [would be better] than any other way" to the Ohio Country.[45] As company founder, Thomas Lee noted, "The Company conceived, that they might derive an important advantage over their competitors [Pennsylvania] in this [Indian] trade from the water communication of the Potomac and the eastern branches of the Ohio, whose headwaters approximated each other."[46]

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[44]Petition of John Hanbury to the King on behalf of the Ohio Company, in Bailey, Ohio Company of Virginia, 299. The "One small Ridge" in question formed the eastern continental divide.

[45]Lawrence Washington to [?], 7 Nov. 1749, as quoted in Egnal, Mighty Empire, 92.

[46]Lee to the Board of Trade, 18 October 1749, as quoted in Bailey, The Ohio Company of Virginia, 69. In its original application the Ohio Company had emphasized the advantages of the Indian trade and the defensive nature of its proposed settlements. The contradictory nature of these two endeavors apparently bothered neither the company nor the government.

Company members did not limit their argument to the printed word. George Washington's map of the region, while accurate, cartographically emphasizes the connection between the Potomac and the Ohio.[47]

The Company dealt with the latter problem, the Indian occupation of Ohio lands, in a well-established manner--trade. As the provincial secretary of Pennsylvania, Richard Peters, noted, "the Province that can furnish the best Presents and the cheapest Goods will in the End carry all before them."[48] Euro-Americans had routinely used Native American dependence on trade to facilitate land transactions. The company needed to act quickly, however; Pennsylvania traders had assertively moved into upper Ohio Valley during the 1740s.[49] George Croghan served as the Pennsylvania governor's unofficial representative in an area where that colony had not, as yet, actively defended its jurisdiction.[50]

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[47]"George Washington's Map Accompanying His "Journal to the Ohio," 1754." Virginia Historical Society. On the map French Creek appears to have been several times wider than the Potomac at Will's Creek. The best road on the map connects a French fort on Lake Erie with one on the headwaters of French Creek. When the travel routes of the road between the two French forts, French Creek, a section of the Ohio, the lower "Yaughyaughgani" (Youghiogheny), the road to Will's Creek, and the "Potomack," are connected, the result is a route as straight as any modern interstate highway.

[48]Peters to Thomas Penn [before 7 August 1750], as quoted in Jennings, Empire of Fortune, 15.

[49]Ibid., 24-28.

[50]Abernethy, Western Lands, 6, 10.

Through rumor and innuendo, Croghan and others Pennsylvania traders turned many Indians against the Company. Thomas Lee protested that these Pennsylvania "Traders have prevail'd with the Indians on the Ohio, to believe that the [company's] Fort is to be a bridle for them, & that the Roads which the company are to make is to let in the Catawbas upon them to destroy them."[51] The company quickly responded to the challenge. Well aware of the potential risks, as well as the advantages to be gained, the Ohio Company purposely commissioned traders to visit its proposed western lands before the grant had actually been authorized.[52] These squabbles between Virginia and Pennsylvania took a decidedly secondary role, however, when French officials responded to the Ohio Company's invasion of a region they considered a strategic part of New France.

When, in 1720, Governor Spotswood had proposed the establishment of two new counties in the western Piedmont--Brunswick and Spotsylvania--to guard against "danger from the Indians, and the late settlements of the

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[51]Thomas Lee to Governor Hamilton of Pennsylvania, 22 Nov. 1749, in Robert A. Rutland, ed., The Papers of George Mason, 1725-1792 (Chapel Hill, N.C., 1970), editorial note, 5. The Catawba were traditional enemies of many northern Indian nations, especially the Iroquois and their Ohio allies. Animosities were so deep seated that--as with the French and English--neither nation needed any justification to distrust the other.

[52]Bailey, Ohio Company of Virginia, 71.

French to the Westward," the nearest French outposts were almost 400 miles away in Detroit and on the Mississippi.[53] That was still the case in 1743 when Governor Gooch, in a report to the Board of Trade, remarked on the isolated situation of the Virginia's backcountry settlements in regards to their nearest French and Indian neighbors.[54] The lands the Ohio Company proposed to settle later that same decade were, by contrast, actively claimed by expansionists in New France.[55] Just one month before the Virginia Council validated the Ohio Company's claim, French Captain Celoron de Blainville (Bienville) left Montreal for the upper Ohio to strengthen France's counter claim to the region. Two hundred soldiers accompanying the captain added persuasive weight to France's pretensions.[56]

The Ohio Company responded, albeit in a less overt manner. Jealous Pennsylvania traders and suspicious Indians frustrated the company's first attempt to explore the upper Ohio in 1749.[57] The following year the Company

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[53]Hening, Statutes at Large, 2 Nov. 1720, 4:77.

[54]Gooch to the Board of Trade, 22 August 1743, in Titus, The Old Dominion at War, 5.

[55]Patrice Louis-Rene Higonnet, "The Origins of the Seven Years' War," Journal of Modern History, 40 (March 1968), 66-67.

[56]Francis Jennings, Empire of Fortune: Crowns, Colonies, and Tribes in the Seven Years War in America (New York, 1988), 16.

[57]Bailey, Ohio Company of Virginia, 85.

turned to frontier surveyor Christopher Gist, a more circumspect agent for such a sensitive mission. In two expeditions Gist carefully explored the upper Ohio, taking thorough notes of suitable sites for the Ohio Company's grant, the general lay of the land, its overall quality, and the location, size, trade needs, and disposition of resident Indian nations--all the while posing as an independent trader unaffiliated with the Ohio Company.[58] Gist successfully completed his mission, but before the Ohio Company could exploit his information circumstances changed dramatically.

The sudden deaths of Thomas Lee in February 1751 and Lawrence Washington in July of 1752 hurt the company immeasurably.[59] Lee, who served as acting governor following the death of William Gooch, had just been appointed Governor of Virginia. Unfortunately, Lee's commission, with all the honor, prestige, and power it held, did not arrive in Virginia until after his death. Lawrence Washington succeeded Lee as the company's leader, but, as a mere burgess, he did not enjoy the political authority of Lee. His own death shortly thereafter left the association without the benefit of a

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[58] Ibid., 87.

[59] Ibid., 40, 42.

seasoned political leader who was also experienced in backcountry affairs.[60]

Dinwiddie, as governor and company member, helped to fill the void. Despite his wide experience as an imperial servant, Dinwiddie remained personally unfamiliar with the North American interior. The governor's appreciation of potential profits notwithstanding, his longterm loyalties to his sovereign superseded any he felt toward the Ohio Company. As a result, while the company had successfully used the government for its own ends before 1752, after that year the roles were reversed. Because of the great degree of overlap between the membership of the Ohio Company and the leadership of colonial Virginia's government, it is often difficult for the historian to separate the actions and interests of the two.[61] Governor Dinwiddie acknowledged that he had "the Success and Prosperity of

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[60]Ibid., 147. Lawrence Washington willed his shares in the Ohio Company to his younger brother George.

[61]Kenneth Bailey argues that the "evidence" is "fairly conclusive that [Dinwiddie] and the home government saw in [the Ohio Company] a solid basis for English acquisition of the Ohio region. Bailey, The Ohio Company of Virginia, 148. Dinwiddie proved quite willing to use Ohio Company property for public purposes. Patrice Higonnet contends that Dinwiddie's actions on behalf of the Ohio Company were one of the direct causes of a war neither Britain nor France wished to fight. Higonnet, "Origins of the Seven Years' War." John Alden dismisses Dinwiddie's connections with the Ohio Company and asserts further that "war must have come whatever Dinwiddie did." Alden, Robert Dinwiddie, Servant of the Crown, 42, 50.

the Ohio Company much at heart" in his letters to company associates.[62] Yet in his official correspondence to London, Dinwiddie, almost never mentioning the company, wrote of the need to assist Britain's Indian allies.[63]

With his fellow company members, however, Dinwiddie frankly acknowledged using the colony's manpower to protect Ohio Company workers.[64] Still, Dinwiddie's company loyalty may be called into question by his actions in 1754. In that year, the governor set aside two hundred thousand acres at the forks of the Ohio to be parceled out amongst members of the Virginia Regiment as a bonus. Dinwiddie certainly realized that the area he had promised to the troops coincided with the area that had earlier been granted to the Ohio Company. There was, of course, enough land in the area to satisfy both claims. However, as the Ohio Company had not yet finalized its surveys or met the terms of settlement, Dinwiddie was, in effect, formally allowing competitive

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[62]Dinwiddie to Col. Thomas Cresap, 23 Jan. 1752, Robert A. Brock, ed., Official Records of Robert Dinwiddie, 1:17-18.

[63]Higonnet, "Origins of the Seven Years' War," 62.

[64]"I . . . think proper to send 200 Men to protect those already sent by the Ohio Comp'a to build a Fort, and to resist any [French] attempts on them." Dinwiddie to Lord Fairfax, Jan. 1754, Official Records of Robert Dinwiddie, 1:49.

claims to the best lands and locations within the area.[65] The governor also ordered Colonel James Innes to "take Possess'n of the Ohio Compa's Warehouse at Wills's Creek" and had earlier instructed Innes to make use of company arms and munitions.[66]

The governor's most famous action in defending the Ohio region occurred in 1753, when he sent a young company member, George Washington, to "deliver a letter to the Commandant of the French Forces on the Ohio."[67] At the time, Dinwiddie probably saw the future leader of the American Revolution as a competent, yet expendable, twenty-one year-old. Washington had already proven himself in the backcountry as a surveyor for Lord Fairfax and while that experience would not normally be considered a pre-requisite for the diplomatic service it proved quite valuable for the immediate task ahead. Dinwiddie assigned Washington the unenviable task of journeying by whatever means he could across the Allegheny Mountains to within fifteen miles of Lake Erie in the early months of winter. There he was to deliver

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[65]Governor Dinwiddie's Proclamation, 19 Feb. 1754, Ohio Company Papers, 25. The description of the lands to be set aside closely matched those granted to the Ohio Company.

[66]Dinwiddie to Innes, August 1754, Official Records of Robert Dinwiddie, 1:297, 270.

[67]Washington, December 1753, The Diaries of George Washington, 1:130.

an ultimatum to the commander of a well-defended fort demanding that the French withdraw their forces from Virginia soil.[68] Along the way Washington, who travelled as the representative of Virginia's royal governor, also "spent some Time in viewing the Rivers, & the Land in the Fork" of the Ohio "where the Company intended to erect a fort." As a surveyor, Washington, by habit, paid close attention to the landscape, carefully noting its fertility, accessibility, and other attributes. The snowy landscape he passed over that winter would become intimately familiar to him over the next forty years.[69]

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[68]Dinwiddie's letter followed the instructions sent to him by the British Secretary of State, the Earl of Holderness, who had commanded the governor not to invade French territory but to use the "armed Force under [his] Direction [only] within the undoubted limits of His Majesty's Dominions." (emphasis added). Holderness to Dinwiddie, 28 August 1753, as quoted in Higonnet, "Origins of the Seven Years War," 64. Holderness sent a similar message to all colonial governors. Randolph C. Downes, Council Fires on the Upper Ohio: A Narrative of Indian Affairs in the Upper Ohio Valley until 1795 (Pittsburgh, Pa., 1940), 63. Considering the chain of events that Dinwiddie's letter set into motion, it is easy to claim that Washington's journey contributed directly to the Seven Years War. Charles H. Ambler, George Washington and the West (Chapel Hill, N.C., 1936), 49. A minor debate has raged over the years as to the most appropriate name for the war that engulfed much of the world during the mid-eighteenth century. French and Indian War, Dinwiddie's War, the Great War for the Empire, the Seven Years' War, and perhaps, most appropriately, the First World War, have all been suggested. I use the Seven Years' War, for while it is chronologically inaccurate--especially in America--it is well-known, clear, concise, and inoffensive.

[69]Washington, Diaries of Washington,

After receiving the French commandant's expected refusal, Washington returned to Williamsburg, though not for long. Despite opposition from burgesses who charged that the colony had no business defending Ohio Company lands, Dinwiddie forged ahead with his plans to protect Virginia's claim to the region.[70] Within weeks Dinwiddie ordered Washington to return to the Ohio country, this time as second in command of the hastily raised Virginia regiment.[71] When the regiment's commanding officer, Colonel Joshua Fry, died as a result of injuries suffered in a fall from his horse, command of the regiment fell to Washington.[72] Virginians won their first small skirmish--the controversial battle in which the French commander Jumonville was killed. Expecting to be immediately attacked by a large French force he knew to be nearby, Washington then retreated to Great Meadows, where his men hastily constructed the aptly named, Fort Necessity. Neither Washington's enthusiasm for command nor his study of military procedures could alleviate the shortcomings of ill-prepared and ill-clad troops, his own

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[70]James Titus, The Old Dominion at War, 40. Frontier militiamen were no more eager to join the expedition across the mountains. While America's backcountry settlers have always been portrayed as a rather footloose lot, they were, at the same time, very localistic in their concerns, especially that of defense.

[71]Ibid., 42.

[72]Washington Diaries, 1:165, note 8. This occurred 31 May 1754.

lack of combat experience, or the significant manpower advantages of the French. After exchanging fire for several hours, Washington agreed to surrender. On the morning of July 4, the Virginia Regiment began its long trek back across the Allegheny Mountains.

Dinwiddie reported the "melancholy Acc't of [the] Engagem't" to his superiors. He hoped it would serve to "open the Eyes of [Virginia's] neighboring Colonies, . . . w'n they see their Properties so much Expos'd to a merciless Enemy," but he feared that "nothing but an Act of Parliam't [would] oblige them to their duty."[73] The British government, still officially at peace with France, responded instead with an act of war. General Edward Braddock, with two regiments of British regulars and a train of artillery, arrived from England in mid February, 1755. He established his headquarters in Alexandria where 800 Virginia troops joined his regulars.[74] While Washington's surrender at Fort Necessity had surprised his fellow colonists, Braddock's arrival quickly bolstered any flagging spirits, though Virginians soon complained of his haughty demeanor and, once he finally began to march, his painstaking progress toward the French on the Ohio. Still, everyone had high

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[73]Dinwiddie to the Lords of Trade, 24 July 1754, Official Records of Robert Dinwiddie, 1:239-242.

[74]Titus, Old Dominion at War, 65-66.

expectations of Braddock and his regulars. On 9 July, Dinwiddie shared with the assembly his "great Hopes, . . . that Gen'l Braddock is [now] in Possess'n of the Fort on the Ohio, that the French took from us last year."[75] Little did the governor realize that at almost that very moment Braddock and his forces were being annihilated on the banks of the Monongahela.

Dinwiddie insisted for almost two weeks that the initial accounts of Braddock's defeat must be an exaggeration. He speculated that perhaps the report "was from a Deserter, who in great Pannick, represented w't his Fears suggested." Surely, Dinwiddie reasoned, "Affairs were not so bad as represent'd [or] another Express" message would have been sent. When informed of Indian attacks in Augusta County during the same period Dinwiddie implied that frontier residents were unwilling to defend themselves. How, otherwise, could "so few Parties of Ind's . . . succeed?" Regardless, Dinwiddie clearly envisioned frontier settlers as a redoubt to Tidewater and Piedmont Virginia for he admonished Colonel Stewart to "by no means allow any of the People to leave the County, but to take up Arms in defence of the whole."[76]

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[75]Dinwiddie to the Assembly, 8 July 1755, Official Records of Robert Dinwiddie, 94.

[76]Dinwiddie to Innes, 14 July 1755, Dinwiddie to Col. Chas. Carter, 18 July 1755, Dinwiddie to Fairfax, 21 July 1755, Dinwiddie to Col. David Stewart, 16 July 1755, all in Official Records of Robert Dinwiddie, 2:98, 102, 107, 100.

While Braddock's defeat certainly stunned the Virginians, it utterly bewildered Colonel Thomas Dunbar, who assumed command of the survivors. He rashly followed Braddock's dying order that any supplies that might fall into the hands of the French or hinder a withdrawal be destroyed. After burning his baggage train Dunbar fled with his decimated command back across the mountains, not stopping until he reached Philadelphia, where he ordered his troops into winter quarters, even though it was still the middle of summer.[77]

The obvious ineptitude of Braddock and Dunbar convinced Virginians of all ranks that they understood the West far better than government officials in London. Apparently those officials agreed, for even though Dunbar's precipitous pullout from the Old Dominion left the entire Virginia frontier open to invasion, the imperial government offered Virginians very little material assistance or advice with which to defend themselves.[78] Instead, British efforts shifted to the northern colonies that directly bordered Canada and other zones of Anglo/French competition. French strategies did not mirror those of the British, however, and Virginia's frontier residents soon grieved that they were "daily

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[77]Old Dominion at War, 70.

[78]Ibid., 73.

ravaged by savages, and worse than savages, papists, who . . . captivate and butcher our out-settlers and have drove great numbers of them into the thicker inhabited parts."[79] Neighboring colonies blamed the meddling of Virginia for their own frontier woes. Even South Carolina, though far from the main theater of battle, still found reason to protest when Virginia attempted to recruit Catawba and Creek warriors to aid the Virginia war effort. The Carolinians considered these nations "their Indians" and tolerated no interference from other governments.[80]

Fleeing frontiersmen did little to bolster Virginia's western defenses. Meanwhile, Britain's perceived withdrawal from its oldest North American colony became complete with the abandonment of Braddock's Road in favor of Forbes's road--a new route that ran entirely through Pennsylvania. Washington wrote at length to Henry Bouquet on the advantages of using Braddock's Road instead of constructing a new one entirely within the

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[79]James Maury, 9 August 1755, as quoted in ibid., 74.

[80]Ian K. Steele, Warpaths: Invasions of North America (Oxford, 1994), 186. South Carolina and Virginia had long competed for the allegiances of the Catawbas. See James Merrell, The Indians New World, 52-56, 69-73, 83. As Anglo-Americans ventured further into the interior, they competed for friendship of other nations as well.

bounds of Pennsylvania.[81] Other Virginians also protested, but to no avail. William Byrd III, who, like his father and grandfather, knew how to take advantage of the professional advantages offered by the frontier, served as commander of the second Virginia regiment. In that capacity, he attempted to bribe Forbes by offering the assistance of several Cherokees on the expedition to take Fort Duquesne, "provided [Forbes] goes by the old [Braddock] road."[82]

Forbes had no interest in repeating any part of Braddock's disaster, even to the point of abandoning the road Braddock used from the Potomac to the Ohio--preferring instead to hack a new wilderness road across the mountains.[83] Forbes' road was superior to Braddock's in many ways--shorter, superior in construction, easier to defend, and better-built.[84] The Virginians did not easily surrender though. Both Washington and Byrd, as colonels in command of the Virginia regiments, used all their influence in attempting to persuade Forbes to abandon the Pennsylvania. Exasperated, General Forbes

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[81]Washington to Bouquet, 2 August 1758, Papers of Washington, 5:353-360. See also 394, 396.

[82]William Byrd III to [Col Henry Bouquet], 9 July 1758, Correspondence of the Three William Byrds, 2:662.

[83]Even though Braddock's army had contained a minority of colonials, those few men were often blamed by the Britain's military leaders for the defeat.

[84]Steele, Warpaths, 214.

described their lobbying attempts in a letter to Col. Bouquet.

> "I told them plainly that, whatever they [Byrd and Washington] thought, . . . we had proceeded from the best intelligence that could be got for the good and convenience of the army, without any views to oblige one province or another; that those two gentlemen were the only people that I had met with who had showed their weakness in their attachment to the province they belong to, by declaring so publickly in favour of one road without their knowing anything of the other, having never heard from any Pennsylvania person one word about the road; and that, as for myself, . . . the good of the service was the only view we had at heart, not valuing provincial interest, jealousys, or suspicions."[85]

Forbes closed by asking Bouquet for additional information with which to refute the persistent Virginia colonels. Eventually, Forbes followed his own council.

While Washington acquiesced to the views of his commanding officer, he never gave up his encouragement of the old Braddock Road. Throughout his life he promoted various schemes to improve the connection between the Potomac and the Ohio rivers. He understood that in the short term the Pennsylvania route could only hurt the Ohio company. In the long term, Washington believed that commercial connections were the best way to secure the claims of Virginia to the forks region and to cement the

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[85]Forbes to Col. Bouquet, 23 September 1758, in Alfred Procter James, ed., Writings of General John Forbes: Relating to his Service in North America (Menasha, Wi., 1938), 219.

interests of the West to the East. He also knew that the provincial jealousies Forbes so disparagingly dismissed and the advantage the general had granted to Pennsylvania would still exist long after the general and his troops had left the Ohio country.

The Ohio company attempted to renew its grant in a petition to the King in 1761. In a letter to English allies, the merchants Capel and Osgood Hanbury, they argued that but for the Ohio Company the "fatal Consequences of the French Incroachments" would have remained unknown.[86] The company's arguments and protestations were to no avail, however, as the British government used the ouster of France from the North American continent to reconsider imperial frontier policy. Rather than encourage frontier settlements as a defensive line against the French and their Indian allies, it seemed more expedient to decrease tensions by temporarily halting the tide of western settlement. The new policy centered on the Proclamation of 1763--a strategy that, although generally recognized as a temporary measure, brought immediate protest from colonial Americans.

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[86]Committee of the Ohio Company, Petition to King George III, 9 September 1761, in Robert A Rutland, ed., The Papers of George Mason, 1725-1792 (Chapel Hill, N.C., 1970), 47-49, Committee of the Ohio Company to Capel and Osgood Hanbury, 10 September 1761, ibid., 50-51.

Dissatisfaction with the proclamation is well known. From the land companies' viewpoint, it was patently unfair since it negated their grants just when they would have been able to settle them successfully.[87] Despite its achievement in thwarting these organized, speculative ventures in the West, the Imperial proclamation proved quite ineffectual in another area--settlement by individuals. Small farmers ignored the Imperial government's ban and openly settled on the other side of the line. These illegal immigrants justified their actions by citing earlier policies that had encouraged frontier settlement. Most did not care that they lacked a paper title to formalize their claim. Instead, they defended their ownership through actual occupation and improvement of the lands in question.[88] For these homesteaders a solid log cabin and a field of corn determined title far more effectively than a flimsy paper plat and deed.

The proclamation's hindrance of gentry speculative ventures, combined with its inability to halt the

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[87]Eugene M. Del Papa, "Royal Proclamation of 1763: Its Effect upon Virginia Land Companies," Virginia Magazine of History and Biography, 83 (October, 1975): 406-411. See also Woody Holton, "The Revolt of the Ruling Class: The Influence of Indians, Merchants, and Laborers on the Virginia Gentry's Break With England." (Ph.D. diss., Duke University, 1990), 59-67.

[88]Patricia Watlington, The Partisan Spirit: Kentucky Politics, 1779-1792, (New York, 1972), 11-12.

westward migration of individual frontier families, challenged the elite's bid to control the trans-Appalachian West. For the first time the gentry could not perfect their title to frontier lands before actual settlement took place. Other men, typically the lesser sorts, were more willing to take the risks of moving their families beyond the pale of the Proclamation of 1763. These same men directly challenged elite claims by their espousal of different criteria for determining ownership.

The gentry's fear of these more aggressive squatters went beyond the inconvenience of facing rival claimants. In their eyes, only a short step separated abusing the rights of property to abusing the property itself. These assaults could, in turn, lead to the degeneration of society. Needless to say, the Tidewater barons had no desire to recreate William Byrd's "Lubberland" in their own backcountry. At the same time Virginia's leaders were quite willing to defend improvement rights when it suited their needs. In 1770, acting governor William Nelson echoed earlier Iroquois justifications when he recommended to Lord Hillsborough that the western claims of Virginia should prevail over those of the Vandalia Company because "the weight prevails" in favor of Virginians "who have run great hazards during the course of the War, many of whom have lost their lives & their

fortunes."[89] In other words, Virginians should be rewarded for the defensive "improvements" they had made to the territory in question.

Before 1750 the Virginia elite had been in firm control of the acquisition and the settlement of frontier lands. Working in concert with local elites and county surveyors, and taking advantage of their control of the Council, these first families patented more acreage in two decades than had been recorded in the previous century.[90] In the 1750s they prepared to continue the process until they reached the Mississippi. But with the crossing of the Appalachian Mountains their domination was successfully challenged from above and below. First, the crown temporarily halted elite speculative ventures in the Ohio valley with its Proclamation of 1763. During this same period frontier settlers--who readily ignored the proclamation--challenged the very basis of title and ownership upon which the elite had built their personal empires. Britain's new western policy frustrated Virginia's colonial leadership at almost every turn. Thus, while concern with the west did not drive Virginian's to seek a separation from Great Britain,

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[89]William Nelson to the Secretary of State, 18 October 1770, in John C. Van Horne, ed., The Correspondence of William Nelson as Acting Governor of Virginia, 1770-1771 (Charlottesville, Va., 1975), 43.

[90]Voorhis, "Crown Versus Council in the Virginia Land Policy," 512.

independence, once declared, allowed the former colonists to deal with the west without imperial interference.

As the century progressed, the Virginia gentry became increasingly concerned about the West, especially land and land values. Would they be able to protect their own western lands? Might others--Whitehall, squatters, or rival speculators from different colonies--subvert their personal claims, or those of Virginia to those domains? And would the development of far-flung western lands bring any benefit to the Old Dominion? The answers were, at best, mixed. The Ohio Company failed to meet its members' most minimal expectations and while the Greenbrier and Loyal companies did realize some modest profits, these sums were far less than what their members had hoped for. The Proclamation of 1763 effectively derailed some of the Virginia elite's more grandiose plans for the interior. The breakdown of imperial authority during the early years of the Revolution, however, allowed some of those dreams to be revived.

Chapter IV:
The Boundless West: Virginia's Jurisdictional Expansion in the Revolutionary Era

> "Besides the Right derived from the Charters of 1606,1609, & 1667, there are many strong Evidences of the Title of Virginia to her western Territory; that Country has been uniformly laid down as Part of Virginia in all the Maps, as well as those published by public Authority as other; it has been acknowledged & recognized by many solemn Acts of the British Government at different Periods; nor can the smallest circumstance be adduced to impeach it, until the present King's Reign, and the Adoption of a Plan evidently calculated to divide weaken and enslave the Colonies; a Plan, which . . . has produced the present Revolution."
>
> George Mason[1]

Throughout the colonial period, the attitudes of Virginia's leadership towards the frontier were driven by broadly defined security needs. At the personal level, speculation in western lands promised great potential wealth with only a minimal outlay for investors. At the same time, an extended estate confirmed the owner's

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[1]George Mason, enclosure to Samuel Purviance, 20 May 1782, "Some Remarks on the Title of Virginia to the Lands on the Western Waters," in Robert A. Rutland, ed., The Papers of George Mason, 1725-1792, 3 vols. (Chapel Hill, N.C., 1970), 727-728.

status as a gentleman worthy of membership in the Virginia oligarchy. For the colony, political dominance together with economic and cultural influence over neighboring regions protected the core tidewater region. While maps of the time clearly delineated the British colonies of Virginia, Maryland, and North Carolina, these political divisions were easily ignored by the tobacco fleet captain, the slave, the planter, or the Scottish merchant.

Both Maryland and northern North Carolina were evolving into tobacco colonies informally modeled after Virginia.[2] Not only did planters in these neighboring colonies borrow agricultural systems and methods from the Old Dominion, but often the very seeds and slaves necessary to establish and maintain a tobacco plantation originated in Virginia as well. Such had not always been the case. William Byrd's dividing line was still visible to the trained eye and the Tidewater's tobacco grandees certainly did not consider any Carolinians their equal. Overall, the people of North Carolina were still poorer and the plantations less baronial than those of the Old

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[2]Historians and historical geographers include the rice growing district of southeastern North Carolina in with the lowcountry plantation zone of South Carolina. Carl Bridenbaugh, Myths and Realities: Societies of the Colonial South (Baton Rouge, La., 1952), chap. 2, Meinig, Shaping of America, 178-179.

Dominion.[3] Notwithstanding these very real differences, however, North Carolina now moved safely within the sphere of its wealthier neighbor, no longer following the brash, irresponsible ways of its early frontier years. Maryland, after a brief flirtation with Catholic immigration, now resembled Virginia more closely than any of Britain's other colonies.[4] Most Virginians felt safe in assuming that the West would follow a similar course in its development.

The Virginia assembly continued the same sort of pragmatic, gradual westward expansion it had encouraged during most of the eighteenth century. Not only were Virginians interested in the trans-Appalachian West, but the assembly--in marked contrast to other colonies--was quite comfortable with organizing county governments for its interior settlements.[5] Large, and at times seemingly boundless, counties were created on the Old Dominion's backcountry edge of settlement. As the hinterland's

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[3]A. Roger Ekirch, "Poor Carolina": Politics and Society in Colonial North Carolina, 1729-1776 (Chapel Hill, N.C., 1981), 3-28. In the late colonial era, despite significant population growth, North Carolina's exports, at £152,000, still lagged far behind Virginia's annual exports of £731,000, Ibid., 18.

[4]Modern historians, especially those of the Chesapeake school, readily concede the similarities of these two tobacco colonies.

[5]The Regulator movements in colonial North and South Carolina were caused in part by the reluctance of provincial governments to provide adequate local government for their western settlers.

population increased and new settlers moved farther inland, new unbounded counties were routinely established to serve these extended frontier communities. The resultant smaller parent county, in the Piedmont or Shenandoah Valley, began to more closely resemble older counties to the east in both size and function. No longer responsible for a rough frontier zone, the leaders of the older county could now easily apply themselves to the day-to-day affairs of county and provincial government. The new jurisdictions to the west not only provided a border for the parent county, but with their own open boundaries to the west effectively set the stage to repeat the process ad infinitum. As Virginians were poised to cross the Appalachian Mountains, wealthy planters saw no reason to alter a process that had worked so well in the Piedmont and lower Shenandoah Valley.

This sort of jurisdictional expansion worked best when the actual extension of settlement occurred in an equally methodical manner. That ceased to occur once the frontier crossed the Alleghenies into the Mississippi Valley. The deluge of competing land titles in the trans-Appalachian area claimed by Virginia exacerbated tensions at all levels. Claimants often simply took matters into their own hands by quietly squatting on those lands they defended as their own. Gentlemen of the Ohio and other land companies pursued their interest in

the traditional back-room manner that had brought them success before. Ominously for those Virginia aristocrats involved in land speculation, some backcountry residents began to directly challenge the elite's authority, not through covert squatting, but in what had once been the personal preserve of the gentry. In 1766, residents of Augusta County complained in a petition to the House of Burgesses that they had been thwarted in "settling on the Waters of the Ohio . . . by reason of the Claims sundry Companies set up by Virtue of some old Grants . . . the Terms of which have never been complied with." Were it not for these invalid and imperfect claims, the Augusta residents asserted, the Ohio region "would have been so well peopled [by hardy pioneers such as themselves] that the Inhabitants would have been able to have repelled the Incursions of the Indians, and saved immense Sums to the Colony." The petition, which challenged the very basis of land aggrandizement by Virginia's first families, was summarily ignored by the burgesses.[6]

Despite the increasingly controversial nature of western expansion, Virginians made only one minor change

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[6]Journal of the House of Burgesses, 24 Nov. 1766, as quoted in Mason Papers, 88-87. Rhys Isaac, in The Transformation of Virginia, 1740-1790, describes a similar challenge to traditional elite authority in the 1770s, after the Augusta petition. Not only are Isaac's examples later, but as all were published under aliases they represent a less direct confrontation with the House of Burgesses. Isaac, 199, 391, n. 36.

in their western policies, the temporary adoption of an intermediate form of local government. In 1774, as a partial answer to the imperial restrictions on the formation of new western counties and also to stave off the rival claims of Pennsylvania, Virginia organized the District of West Augusta.[7] "Organized" may be too strong a word for this action since Virginians easily accomplished their aims by simply "adjorning the County Court of Augusta from the town of Staunton [in the Shenandoah Valley] to Fort Dunmore [Pittsburgh]."[8] Legally, Augusta remained one county; the alternate court site at the forks of the Ohio only sat when the Staunton court was not in session. But in reality, the District of West Augusta operated as a separate county in all but name.[9] In theory, Virginians would be able to use

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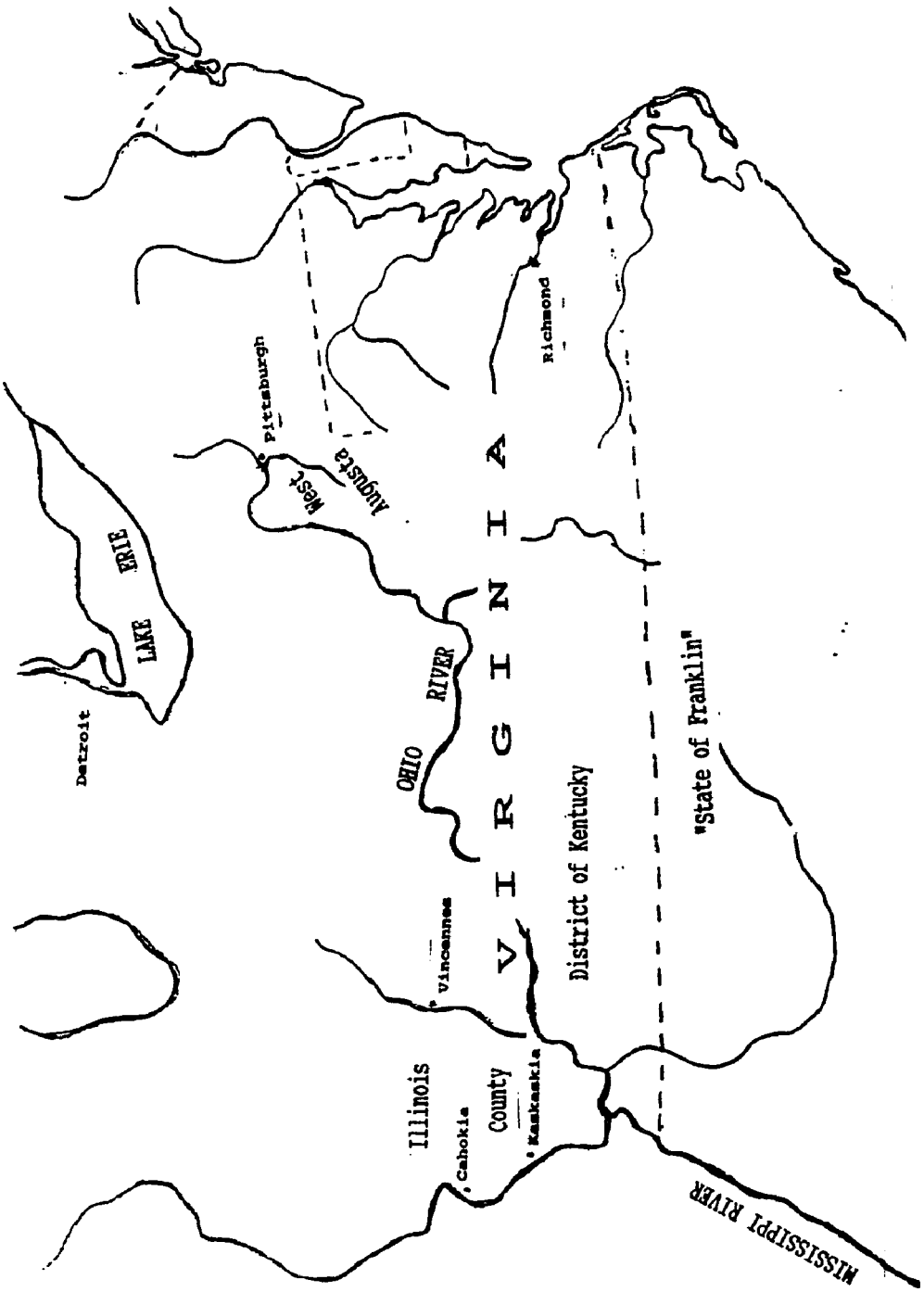
[7]The Proclamation of 1763 put an effective end to the legal creation of new county governments in the West--there being little need for civil government in areas where civilians were not permitted to settle.

[8]"Minute Book of the Virginia Court held at Fort Dunmore (Pittsburgh) for the District of West Augusta, 1775-1776," as reprinted in Boyd Crumrine, ed., Virginia Court Records in Southwestern Pennsylvania, Records of the District of West Augusta and Ohio and Yohogania Counties, Virginia (Baltimore, Md., 1974 [orig. published Pittsburgh, 1902-1905]), [21].

[9]The only other substantive differences were that the District of West Augusta was served only by a deputy sheriff and both the district and Augusta County were served by the same clerk, John Madison, Jr. Abernethy, Western Lands and the American Revolution (New York, 1937), 136-137.



III. Virginia During the Revolution.

appointments to "county" offices to further cement the loyalty of some West Augustans to the Old Dominion. As most revolutionary Americans were discovering, however, loyalty could be a very complex issue.

While the structure of West Augusta's government closely mirrored that of other Virginia counties, such superficial similarities were not enough to replicate the authority and temperament of a traditional Virginia county government. Unlike Jost Hite, Alexander Ross, and other early leaders of the Shenandoah valley--men who while not Virginian were loyal to their adopted homeland--the local leaders of West Augusta seemed most devoted to their own interests.[10] George Croghan

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[10]Jack Greene argues correctly that thanks to "the increasing articulation of its socioeconomic and political structures, the oldest areas of the Virginia backcountry were . . . becoming not less but more like the east. . . . At the time of the Revolution, this assimilative process was probably strongest in areas where the relationship with the east was most fully developed--in the lower Shenandoah Valley," for example. Greene then goes on to assert, however, "that this assimilative process was at work throughout the southern backcountries." While that may have been true for the area east of the Alleghenies, it is not demonstrable for the areas further west. Unlike eighteenth-century Virginians, Greene apparently does not consider the Ohio Valley or Kentucky a part of the Virginia backcountry. Instead, he limits his study to those areas "from the fall line west to the Appalachian Mountains." Greene, "Independence, Improvement, and Authority: Toward a Framework for Understanding the Histories of the Southern Backcountry during the Era of the American Revolution," in Ronald Hoffman, Thad Tate, and Peter J. Albert, eds. An Uncivil War: The Southern Backcountry during the American Revolution (Charlottesville, Vir., 1985), 3, 11-12.

routinely switched his allegiances back and forth between Pennsylvania and Virginia to suit his own speculative needs.[11] Other residents of this disputed region easily emulated Croghan's vacillation.[12] During the mid-1770s Penn's commonwealth and the Old Dominion each set up rival governments in the forks region. After February 1775 not only were there were two competing courts, with their attendant magistrates, attorneys, commissioners, and other officers, vying for the allegiance of western residents, but within a few months the new Continental Congress contended with Parliament itself for the loyalty of all Americans.

Within this chaotic cauldron of competing claims and loyalties some western settlers took the inevitable next step. In June 1776, as Virginia's leaders debated their own relationship within the empire, some democratic-minded western settlers in West Augusta circulated a petition suggesting that they form "a new Government . . . by their own authority, and send delegates to Congress to represent them as the fourteenth link in the American

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[11]Crumrine, Virginia Court Records in Southwestern Pennsylvania, [14].

[12]The indefinite boundary between Pennsylvania and Virginia offered squatters an easy entry to settle the disputed region. Richard Peters described Virginia squatters as "a mighty bad Crew." Tellingly, they had been "rejected by Lord Fairfax," they were, in short, "the very Scum of the Earth as every body says." Peters to Honoured Proprietaries, 6 Nov. 1753, as quoted in Jennings, Empire of Fortune, 60.

Chain." Virginia's senate, fearful that these "flagrant instances of disaffection and uneasiness" might spread, promptly investigated the matter.[13] Eastern Virginia's legislative authority failed, however, to intimidate western settlers.

Fortunately for Virginia, and the patriot cause in general, most backcountry residents promptly and enthusiastically supported the goal of independence. The Virginia legislature moved quickly to take advantage of this goodwill and to exploit the breakdown of royal authority with an aggressive assertion of the state's sweeping western claims. During the first five years of the War of Independence, Virginia organized thirteen new county governments beyond the Blue Ridge.[14] These new counties, together with a number of new jurisdictions in the Tidewater and Piedmont, inevitably led to a shortage of properly "educated" and connected men to fill the many positions of power and authority in the fledgling counties. Many young gentlemen of established doubtless

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[13](emphasis added), Col. David Rogers copy of "Resolves of the Senate, Va, Novr. 1st 1776". Virginia Historical Society.

[14]Michael F. Doran, Atlas of County Boundary Changes in Virginia, 1634-1895 (Athens, Ga., 1987), 28. The new western counties were: Monongalia, Ohio, and Yohogania, formed in 1776; Kentucky, Montgomery, and Washington, formed in 1777; Greenbrier, Rockbridge, Rockingham, and Illinois, formed in 1778; and Fayette, Jefferson, and Lincoln, formed in 1780.

preferred the security and familiarity of local government opportunities in the east to the wide-open uncertainty of the West. Other men, usually form from other states or countries, were quite willing to serve as county officers and join the local elite.

Understandably, Virginians were not entirely confident as they increased the number of local jurisdictions in the West. During 1777, the Council of State had taken the precaution of appointing militia officers for the northwestern counties of Yohogania and Ohio, a right traditionally reserved to the counties.[15] The citizens of Yohogania protested that "proper nominations had been made by the court," but the House of Delegates rejected their petition.[16] The controversial militia appointment issue soon paled in light of other western problems faced by the government in Williamsburg. For while independence removed imperial restrictions to westward expansion, it only changed the nature of other challenges to Virginia's western pretensions. As a sovereign state the Old Dominion found it necessary to defend not only its far western claims against the

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[15]Journal of the Council of the State of Virginia, 4 March 1777, 1:358.

[16]Citizens of Yohogania to Committee of Propositions and Grievances, 27 November 1777, in Randolph W. Church, ed., Virginia Legislative Petitions: Bibliography, Calender, and Abstracts from Original Sources, 6 May 1776-21 June 1782 (Richmond, Va., 1984), 152-153.

assertions of other states, but the Old Dominion also had to counter challenges from some areas that had long been considered a part of the state.

With the outbreak of war Virginia's leaders realized that the old criteria of citizenship--simply owning property in the Old Dominion--in no way assured loyalty to the newly independent state or its revolutionary ambitions. As other rebellious states discovered, property ownership and jurisdictional boundaries could not predict ideological temperament.[17] Though few in number, there were some Virginians who did not identify with the new independent government. In late 1777, fear of "evil minded persons . . . who lost to all sentiments of virtue, honour, or regard for their country, [were] induced to aid the enemy," led the House of Delegates to pass an act specifically aimed at curbing unrest in the "Counties of Ohio, Monongalia and Yohogania," the same area that had once been the District of West Augusta. The Delegates further authorized the governor to send up to six hundred troops westward "for the further protection and defense of the Frontiers."[18] Most of

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[17]Significant minorities in New York, Georgia, South Carolina, and New Jersey remained loyal, as did the British colonies of East and West Florida, Nova Scotia, and other mainland and island colonies.

[18]Papers of George Mason, "An Act to Authorize an Investigation of Disaffection in the Western Counties," 10-22 December 1777, 1:398. Generally speaking, however, the state legislature proved unwilling to send troops westward, though apparently it did draft frontier militiamen for duty in the east and then threatened them with court-martial when they refused to leave their homes defenseless. See 1780 petition of Clinch militia to

Tidewater Virginia's Whigs probably agreed with a Pennsylvania report that around the forks of the Ohio, "self-interest reigns predominant."[19]

In the opening years of the Revolution, the area surrounding Pittsburgh remained a seedbed of potential betrayal. Other western counties, while causing less alarm with their protests, nonetheless routinely petitioned the House of Delegates for redress of wrongs--wrongs that had once been considered the routine prerogative of Virginia's privileged families. Most petitions directly contested the gentry's right to the control of land distribution, a right that had been firmly in the pocket of Virginia's wealthy since the earliest days of the colony. In 1777 alone, western citizens implored the legislature to force land speculators to sell at a reasonable price those lands improved by the petitioners; to rein in the "exorbitant prices charged . . . by proprietors of large land grants;" to transfer appointment of the politically powerful position of surveyor from Williamsburg to the local counties; and to challenge the validity of grants

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William Preston in Preston Family Papers, Virginia Historical Society.

[19]Ibid., note, 1:399.

to land companies.[20]

The logical conclusion to such dissatisfaction was, of course, independence, not only from the empire, but from the unresponsive eastern state government as well. Most frontier residents supported separation from Great Britain, as well as the localistic tendencies that marked the Revolution's early years.[21] The autonomous political culture common to Virginia's counties paralleled the salutary neglect typically experienced by Britain's North American colonies. Virginia's willingness to create new counties whenever population warranted a new jurisdiction did alleviate some separatist tendencies, and in less extraordinary times such a modest approach might have sufficed, but Virginia's reliance on county governments also encouraged the development of local identities. As a result, most residents, especially those west of the Blue Ridge, sympathized more readily with their own

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[20]The following petitions are all to the House of Delegates, "James Alexander, James Gwin, James Hanley, and ten others, 21 May 1777, Citizens of Botetourt, Washington, and Montgomery Counties, 24 May 1777, Citizens of Washington and Montgomery Counties, 6 November 1777, Alexr. Montgomery, John Walker, James Alley, and 110 others, 6 November 1777, Virginia Legislative Petitions, 94, 96, 135-136.

[21]See Thomas Bender, Community and Social Change in America (New Brunswick, N.J., 1978), 61-71, Thomas Slaughter, The Whiskey Rebellion: Frontier Epilogue to the American Revolution (Oxford, 1986), 32-33, and Joshua Miller, "Local Autonomy in Early American Politics: Decentralist Ideas and Practices, 1630-1789," (Ph.D. diss., Princeton University, 1984).

community than with the newly independent state of Virginia. The county thus provided an easy avenue of local protest when the state government in faraway Williamsburg proved unresponsive. Unfortunately, as Virginia's Whig rulers wrestled with the complexities of the swelling independence movement, most were unable or unwilling to divert their attention to backcountry problems for very long.

Throughout the colonies, most patriots assumed that devotion to the cause of independence corresponded with allegiance to the newly independent state. Virginia's own loyalty oath, after explicitly declaring that "allegiance [to the state] and protection [by it] are reciprocal," then prescribed a vow that simply substituted fidelity to Virginia in place of that to King George.[22] The act then required that "the court of every county in [the] commonwealth . . . to tender the oath . . . to every free born male person above the age of sixteen." Anyone not complying would be disarmed, in itself a serious punishment in frontier regions, and stripped of political rights, including the right to buy or sell land.[23] No exemptions were made for those areas where Virginia's claim to jurisdiction was disputed, or only partially realized. In essence, Virginia patriots

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[22]Hening's Statutes, May 1777, 9:281.

[23]Ibid., 282.

presented their revolutionary government as the sole heir to British authority within Virginia as defined by the generous limits of the 1609 charter. Certainly, with the exception of Governor Dunmore's precipitous flight, the personnel in the rechristened House of Delegates changed very little from it colonial predecessor, the House of Burgesses. Nor did the Revolution immediately compromise the assembly's position in the Old Dominion. Instead the "two pinnacles of political power in Virginia, the county courts and the House of Delegates, came through the Revolution virtually unaltered."[24]

The state's 1776 Constitution implied that Virginia could still lay legal claim to those areas of Pennsylvania, Maryland, and North Carolina that had once been a part of Virginia but had over time been severed from the Old Dominion by royal fiat and had long been under the effective authority of these neighboring provinces. Therefore, in the interests of wartime unity, Virginia "ceded [and] released" its rights to these lands to its revolutionary allies.[25] Yet, in the

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[24]John E. Selby, The Revolution in Virginia, 1775-1783 (Williamsburg, Va., 1988), 318. But as Gordon Wood so ably shows, a pervasive egalitarianism was the most radical legacy of the American Revolution. Thus, in time, it would be almost impossible for a member of the House of Delegates to command the same respect from his fellow citizens as colonial society had once bestowed upon the burgesses. Wood, The Radicalism of the American Revolution, 232-238.

[25]As quoted in Peter Onuf, Origins of the Federal Republic, 82.

minds of the legislators, the boundless West of colonial Virginia remained a part of the independent Old Dominion. While the Constitution did mandate that new governments should eventually be established in the state's western territories, any separation would be allowed only "by act of [the Virginia] legislature." In other words, only Virginia would decide when separation would occur, under what circumstances, and with what boundaries.[26] Clearly, the framers of the state Constitution intended that any new western governments should be closely allied with Virginia.

Legislators intended to use western lands as a source of enlistment bounties to entice Virginians into military service. With time, however, soldiers became skeptical of western lands. Whether they feared the British inspired Indian attacks on the frontiers, were too aware of how many soldiers during the Seven Years War had received neither the lands promised nor other adequate compensation, or were simply stubborn is not clear. It is transparent that potential enlistees demanding something of discernible value rather than either worthless paper money or ambiguous acreage in the distant West. Thomas Madison, delegate of Botetourt County, argued that no Sum in [paper] Money could be offered that would be thought sufficient by the Soldier." Then,

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[26]Ibid.

alluding to the popular resentment of the Virginia elite, Madison continued "that therefore some Specifick Bounty must be given, that Negroes were a desireable Property, and it would be obliging the Wealthy, who perform little personal duty, to contribute largely."[27] The law never took effect and instead the Virginia government found itself dependent on the patriotism and goodwill of its many citizens.

If political expansion in trans-Appalachia had proceeded in the same systematic fashion as growth east of the Blue Ridge, the Old Dominion might have enjoyed greater loyalty from its western inhabitants. Instead, the distant territories claimed by Virginia were rapidly occupied in a chaotic manner that encouraged widespread misunderstandings, legal conflict, and cultural clashes. At least 50 percent of Kentucky's settlers hailed from states other than Virginia. Another 5 percent arrived from other nations, primarily the British Isles, Germany, and France.[28] Sometimes those who came from the Old Dominion could be considered Virginians only in the most

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[27](emphasis added), Thomas Madison to William Preston, 30 November 1780, Preston Family Papers, Virginia Historical Society. Though enacted into law, the "Act for recruiting this state's quota of troops to serve in the continental army," was never enforced. Thus, its highly unusual provisions of requisitioning the slaves of the wealthy to provide enlistment bounties enticed no poor Virginians into the continental line. See Hening, Statutes at Large, 10:326-337.

[28]Patricia Watlington, Partisan Spirit, 44-45.

nominal sense. As former residents of the Shenandoah Valley and other frontier areas, they usually represented the first generation of earlier Virginia immigrants. For some, western Virginia had served as little more than a way station in a much longer migration.[29]

Settlers around the forks of the Ohio revealed similarly diverse backgrounds. Despite the proven difficulty of governing that area, the Virginia legislature hesitated to abandon its claim. "There was so strong an opposition" to compromise of the disputed boundary with Pennsylvania that the Virginia legislature acquiesced to it "only by a small majority."[30] That small majority may have been swayed more by the strategic necessities following the shift of Cornwallis' army to the southern states than by any good will toward Pennsylvania.

The legislature soon discovered that not even place of birth could guarantee loyalty. In 1776 George Rogers Clark, formerly of Albemarle County, Virginia, argued that the residents of his new home of Kentucky should "treat with" the Assembly of Virginia and attempt to gain

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[29]See H. Tyler Blethen and Curtis Wood, Jr., From Ulster to Carolina: The Migration of the Scotch-Irish, 2d. ed. (Cullowhee, N.C., 1986).

[30]George Mason to Joseph Jones, 27 July 1780, Mason Papers, 2:655. See ibid., 1:320-321 for Virginia's initial proposals for a temporary boundary with Pennsylvania.

"valuable conditions" from it. If successful the Kentuckians would then declare themselves "citizens of the state, otherways, [the western settlements should] establish an independent government."[31] Tellingly, Clark and his followers--through their offer to "treat" with Virginia--had already assumed the rights of an independent community.

Other Kentuckians, following the lead of Richard Henderson and his Transylvania Company associates, had earlier petitioned the Continental Congress to be admitted into that body as an equal member.[32] James Hogg, the chosen representative, informally discussed his petition with several representatives in Philadelphia. While some were interested in the proposal, they agreed that the Transylvanians should first approach the Virginia Assembly. Unsurprisingly, Virginia's leaders rejected Henderson's proposal.[33] Likewise, the legislature balked at Clark's demand that it provide gunpowder and other materials for Kentucky's defense. Clark then threatened to take his request elsewhere, noting "that if a Cuntrey was not worth protecting, it

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[31]George Rogers Clark, "Memoir," in James Alton James, ed., George Rogers Clark Papers (Springfield, Ill., 1912-1926), 1:209.

[32]The Transylvanians used the term "colony," as independence had not yet been declared.

[33]Abernethy, Western Lands and the American Revolution, 130-131.

was not worth claiming."[34] Clark might have easily bolstered his assertion by citing the 1776 Constitution with its acknowledged truth that "allegiance and protection are reciprocal." The legislature eventually acquiesced to Clark's demands and, in essence, purchased his loyalty with powder and shot. Meanwhile, it vigorously defended its claim to Kentucky and the remainder of its chartered boundaries, including the improbable county of Illinois, against all rival claimants.

Officially, Illinois county included all territory claimed by Virginia to the north and west of the Ohio River--in other words, the modern Midwest. However, Virginia only asserted its authority over the French villages along the Mississippi and Wabash Rivers and several interior posts. Strictly speaking, the settlements near Detroit also fell within the limits of Illinois. However, they did not come under American control until well after the Revolution. Anglo-American squatters along the Ohio were also "outside" the county's jurisdiction. The Virginia legislature created Illinois County as a direct result of George Rogers Clark's conquest of the region in 1778. Governor Patrick Henry

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[34]George Rogers Clark, "Memoir," Clark Papers, 1:213. Clark might have easily bolstered his assertion by citing Virginia's 1776 Constitution with its acknowledged truth that "allegiance and protection are reciprocal."

and Lieutenant Colonel Clark intended the campaign to secure Virginia's claim to the region north of the Ohio and, most important to Clark and other frontiersmen, to protect Kentucky by depriving Britain's Indian allies of a needed supply base. Clark's ultimate military objective, the conquest of Detroit, was driven almost entirely by this latter concern.

The creation of Illinois County appears less extraordinary when placed in the context of other Virginia actions related to the colonial frontier. Illinois then becomes simply the latest in a long series of attempts to extend Virginia's influence beyond the Appalachians. For years distant Indian nations, such as the Iroquois and Cherokee, had routinely entered into treaties with Virginia's royal governor. In the 1750s the Old Dominion took the lead in the provincial response to the French and Indian War. Land companies, such as the first Ohio Company and the Loyal Company, were the handiwork of some of Virginia's leading men. In addition, just before the organization of Illinois County, Virginia's Revolutionary government had established counties along the Ohio River in what is now western Pennsylvania and in Kentucky.

Most historians agree that if Virginia had not conquered Illinois, it would have been won at the

negotiation table.[35] But Virginia's experience in Illinois tells us more about assimilation and ethnic identification than it does about physical expansion. Significantly, Illinois was Virginia's first attempt to incorporate a pre-existing French community into the Commonwealth. In the bill creating Illinois County, the House of Delegates promised the privileges of citizenship to those inhabitants taking an "oath of fidelity" to the state. Virginia also pledged to protect "all their civil rights and property," including the practice of their "own religion."[36]

If one accepts the indefinite boundaries of Virginia's charter, then Clark's expedition did not conquer the old Northwest so much as it reconquered it.

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[35]While the United States would have doubtless acquired Illinois regardless of Virginia's actions, there are several scenarios as to what might have happened next. It is quite possible that British forces in the Illinois country at the conclusion of the Revolutionary War would have remained there, just as they did in Detroit, Niagara, Mackinac, and the other Northwest posts. If this had been the case would the British have requested American permission to cross U.S. territory to attack Spanish Louisiana during the 1790 Nootka Sound controversy? Probably not, since their route would have taken them across territory that, while nominally American, was firmly under British control. A British victory in Louisiana would have had an enormous impact in later U.S. history. It is also possible that Spain may have occupied the region as it did East and West Florida. See Reginald Horsman, The Diplomacy of the New Republic, 1776-1815 (Arlington Heights, Ill., 1985), 45-47.

[36]Hening, ed., The Statutes at Large, 9:552. The assurances contained within the Virginia statute resemble the protections offered French Canadians in the 1774 Quebec Act.

Newspaper accounts of 1778 described how "George Rogers Clark, with a body of Virginia militia, . . . reduced the British posts in the western part of [the] Commonwealth."[37] The Virginia Gazette described as western Virginia the area directly across the Mississippi River from present-day St. Louis, Missouri. The Illinois villages were close to Virginia in other ways as well. The presence of large numbers of slaves in Virginia is generally regarded as a defining characteristic, both by modern historians and contemporary observers. Eighteenth-century Illinois shared this trait. In 1750 approximately one-third of the people of the villages were slaves.[38]

Nor was Illinois Virginia's first experience with French settlers, for on two previous occasions Virginians had been asked to assimilate French immigrants into their community. In 1700 Virginia's council, with the strong encouragement of William Byrd I, had willingly defied King William III and established a group of Huguenots on what was then the Old Dominion's frontier of settlement at the abandoned Indian village of Manakin on the James

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[37](emphasis added), "Williamsburg, In the House of Delegates," Virginia Gazette (Dixon & Hunter), Nov. 23, 1778.

[38]Winstanley Briggs, "Les Pays des Illinois," William and Mary Quarterly, 3d Ser., 47 (1990), 30-31. See also Winstanley Briggs, "Slavery in French Colonial Illinois," Chicago History,(Winter, 1989-1990), 66-81.

River.[39] Located astride one of the principle river routes into the Old Dominion's interior, the tractable, dependent Huguenots expected to serve as a protective barrier to the more valuable tidewater plantations.

The strategic manipulation of the Huguenot settlement appears cordial when compared with the treatment afforded a later group of French immigrants--the Acadians. The French-Canadian province of Acadia had been rechristened Nova Scotia following its conquest by Great Britain. The French inhabitants proved more resistant to change, however, and in 1754, an anxious royal governor expelled them. Royal authorities planned to distribute the Acadians throughout Britain's other mainland colonies where, once assimilated, they would pose less of a threat. In November of 1755 two ships sailed into Chesapeake Bay with Virginia's first consignment of exiles, with more expected daily.[40] The sudden arrival of approximately 1,000 Acadians proved, in the words of Governor Dinwiddie, "very disagreeable to

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[39]Chapter Two has a fuller examination of the Huguenot settlement at Manakin town. See James L. Bugg, Jr., "The French Huguenot Frontier Settlement of Manakin Town," Virginia Magazine of History and Biography (October,1953), 362-363.

[40]Lawrence Henry Gipson, The British Empire Before the American Revolution, Volume 4, The Great War for the Empire: The Years of Defeat, 1754-1757 (New York, 1946), 299.

the People" of the colony.[41] The obvious religious difference between the Catholic Acadians and the Calvinistic Huguenots hardly provides the sole cause of the Acadians' chilly reception according to Dinwiddie. He declared flatly that "many of that Nat'n [the French, had] join'd with Ind's [in the] murder'g and scalp'g [of] our frontier Settlers."[42] The Virginians' aversion in this instance was against the newcomers as Frenchmen long familiar with North America and their apparently transcendent alliance with all Native Americans.

Clearly, the Micmac Indians of Nova Scotia had not committed atrocities on Virginia's frontiers, and the Acadians were likewise innocent of transgressions against the Commonwealth. But, in Dinwiddie's mind, amicable relations with Indians were an easily transferable and dangerous skill. By contrast, it was a skill unknown to the Huguenots, as it could only be learned in America. This perceived affinity between the Acadians and the Indians severely limited the options of Virginia's government. Dinwiddie outlined his dilemma: "I shall endeavor to appropriate them some Lands to set down upon, tho' this will be attended with some Difficulties, as the Lands in the lower Parts are all taken up, and [are]

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[41]Dinwiddie to Secretary of State Robinson, Official Records of Robert Dinwiddie, II,268

[42](emphasis added), ibid.

private property, . . ." The governor bluntly concluded that it would "be by no means proper to send them to our Frontiers."[43]

To further damn the Acadians as racial traitors, there were rumors that the newcomers had been "tamper'g with the Negroe Slaves."[44] This suspicion, together with the scarcity of land, prevented their settlement in the Tidewater. Having thus found the entire colony of Virginia an unfit haven, the House of Burgesses resolved in March of 1756 to ship the unfortunate Acadians to England to be "disposed of as His Majesty shall think proper" (presuming he would not find it proper to return them to Virginia).[45]

These earlier experiences provide some clues for analyzing Virginia's relationships with the Illinois villagers. Like the Huguenots, the Illinois French were potentially useful to Virginia for frontier defense. But, like the Acadians, the Illinois French enjoyed relatively good relations with their native American neighbors. There were, of course, differences, the most notable being that unlike the Huguenots and the Acadians,

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[43]Dinwiddie to Gov. Lawrence of Nova Scotia, ibid., 2:306.

[44]Dinwiddie to Secretary of War Fox, May 10, 1756, ibid., 2:408.

[45]Journals of the House of Burgesses, 1752-1758, 345.

the Illinois French were already in place (and had been for three-quarters of a century). There was also the question of distance--not the physical distance to Illinois but the cultural one. Besides the obvious contrasts between Anglo-Virginians and Illinois French, there were additional disparities within Virginia, including two distinct perspectives from which Virginians viewed relations with the Illinois French--that of the House of Delegates, and that of those Virginians who were actually in Illinois--the soldiers who accompanied George Rogers Clark.

The only consistent attribute marking the thoughts of Virginia's leaders toward the Illinois Country throughout this period was uncertainty.[46] The symbolic value of George Rogers Clark arriving in the Illinois country at the head of a small army ready for battle, while simultaneously "promising to treat [the inhabitants] as the citizens of the Republic of Virginia (in the limits of which they are) and to protect their persons and

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[46]Virginia's expectations for the successful integration of Illinois within the commonwealth paralleled those exhibited by the Continental Congress toward Canada. Reginald C. Stuart, in United States Expansionism and British North America, 1775-1871 (Chapel Hill, N.C., 1988), describes a similar dualism in American attitudes toward Canada (11-13). "Was Canada a potential recruit to be wooed or a British base to be conquered? It seemed to be both."(12)

property" clarifies the ambiguity of assimilation.[47] The House of Delegates displayed a similar tentativeness. It speedily created the County of Illinois on hearing the news of Clark's successful campaign, but only on a provisional basis. Not only was the act itself temporary--it needed to be renewed by the assembly each year--but the form of government was also of a temporary nature, though the Act establishing Illinois County implied that full inclusion into the Commonwealth would follow when the inhabitants of Illinois were deemed ready.[48] The people of Illinois were, of course, eligible to send their own representatives to the state capital in Williamsburg. But, at the same time that John Todd--the officially appointed county lieutenant--extended the invitation, he excused them from doing so,

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[47]George Rogers Clark to the Inhabitants of Vincennes, July [13], 1778, Collections of the Illinois State Historical Library, Vol. 8 Virginia Series, Vol. 3: George Rogers Clark Papers, 1771-1781, James Alton James, ed., (Springfield, Ill., 1912), 51-52.

[48]Hening, Statutes at Large, 9:552. The temporary nature of Illinois' county government foreshadows a similar, though more developed, provision of the Ordinance of 1787. The alliance between France and the United States may also influenced the creation of Illinois County. It was an obvious advantage to George Rogers Clark in attaining the cooperation of the Illinois French. But, it also may have influenced the House of Delegates in their incorporation of Illinois. If Illinois were a part of Virginia it would be somewhat more difficult for France to attempt to reannex the region.

noting that they would find it too inconvenient.[49]

The House of Delegates did expect the people of Illinois to participate fully as members of the Old Dominion in one area--frontier defense. In his instructions to Todd, Governor Patrick Henry frankly stated that "Illinois must expect to pay . . . a large price for her Freedom." Henry declared that the "Inhabitants of Illinois must not expect settled peace and safety while their and our enemies have footing at Detroit." As commander of the local militia, Todd was to fully cooperate with Clark's Virginia troops. The Illinois French were expected comply with Virginia's needs in other ways, as well. Clark himself believed that the French had "great Influence among the Indians in Genl. and [were] more beloved by them (the Inds) than any other Europeans."[50] Clearly, in Clark's eyes the French possessed something unavailable to his fellow Virginians.

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[49]Speech of John Todd to the inhabitants of Kaskaskia, May 12, 1779, in Kaskaskia Records, 1778-1790, 84. Todd had been instructed to remind the people of Illinois that "A free and equal representation may be expected by them in a little time together with all the improvements in Jurisprudence and police which other parts of the state enjoy." (emphasis added), Patrick Henry to John Todd, December 12, 1778, in Clark Papers, 1771-1781, 84-85.

[50]"Clark's Memoirs," in Clark Papers, 1771-1781, 224. In examining the Virginia Council's instructions to Clark, the French and the Indians were firmly linked. See "Instructions to Clark from the Virginia Council, December 12, 1778" in ibid., 78-80. In his original proposal for the conquest of Illinois, Clark equated control of the French villages with control of the surrounding Indian nations. As he saw it, the Virginians must "either take the town of Kuskuskies, or in less than a twelve month send an army against the Indians on Wabash, which will cost ten times as much, and not be of

The most basic difference between Virginia's frontier settlers and the Illinois French is found in each group's relationship with Native Americans. The Illinois villagers, in a very real sense, depended on their Indian neighbors. Not only were the Illinois French numerically insignificant, but for most of their history they remained quite distant from other European settlements. This had been true throughout the days of the France's North American Empire. Of course, relations between the French and Native Americans were not idyllic. Yet Virginia's frontier inhabitants easily forgot any dissension between the two groups in light of the military success achieved by the French and Indians in the mid-1750s.[51]

Those things that led to improved relations between the French and Indian inhabitants of Illinois constituted the same things that differentiated the French from the nearest Virginia settlements in Kentucky. For example, the long-resident French showed a greater inclination to forge familial links--either actual or symbolic--with Native Americans.[52] Furthermore, from an Indian view,

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half the service.12, 1778" in ibid., 32.

[51]Richard White, The Middle Ground: Indians, empires, and Republics in the Great Lakes region, 1650-1815 (Cambridge, Eng., 1991), 164, 245, 345.

[52]Ibid., 214-215.

the village-based population of French Illinois appeared much more stable, in terms of land needs, than the expansive Virginia settlements.

By contrast, the settlers of backcountry Virginia were well-known Indian haters.[53] Virginia's western settlers rarely sought to accommodate or forgive their native neighbors, even when a peaceful western frontier served the best interests of the Old Dominion. Various Indian nations complained "of repeated ill Treatment they [met] with . . . from the People settled on the Frontiers of Virginia; And of the Settlements made by the Virginians upon their Lands."[54] Unlike the French, very few Virginians married Indians. Those that did hardly invited their native mates into the white community.[55]

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[53]Richard White argues that this was due, in part, to the similarities between the Indians and the rough-hewn frontiersmen. Unlike the Illinois French, Virginians often competed directly with their Indian neighbors for the same game animals and the same lands. Ibid., 340-342.

[54]General Thomas Gage to the Earl of Shelburne, August 24, 1767, in Collections of the Illinois State Historical Society, Vol. 11, British Series, Vol. 2, The New Regime, 1765-1767, 594. See also, "The Famous Hair Buyer General": Henry Hamilton, George Rogers Clark, and the American Indian," in Indiana Magazine of History (March 1983), 1-28. White argues that after the peace of 1763, "A desire for revenge burned deeply in the backcountry . . ., and for many backcountry people peace presented their first opportunity to kill Indians." See The Middle Ground, 345.

[55]See James Axtell, The European and the Indian: Essays in the Ethnohistory of Colonial North America (Oxford, 1981), 155-156, 278-280, June Namias, White Captives: Gender and Ethnicity on the American Frontier (Chapel Hill, N.C., 1993), 85-88, and Jennifer McDaid, "'Living on a Frontier Part': Virginia Women Among the Indians, 1622-1794," in Virginia Cavalcade (Winter, 1992).

Such racial hostility was not limited to the trans-Appalachian West. As early as 1691, Virginians--to halt any "abominable mixture and spurious issue"--had been threatened with banishment if they married an "Indian man or woman, bound or free."[56]

The Virginians may have also been suspicious of how the Illinoisans treated their Black and Indian slaves, given the notable differences in the practice of slavery in the two societies. While Illinois slavery officially fell under the rigid code noir of the French Indies, in actuality most of the code's harsher aspects were ignored, while its more liberal aspects appear to have been routinely embraced. For example, Illinois slaves could own property, encouraged to join the Church, and in those cases of a slave breaking the law, could expect treatment far more lenient than the code noir recommended.[57] It comes as no surprise that one of George Rogers Clark's earliest official acts decreed a

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[56]Hening, 1691, 3:86. See Richard Drinnon, Facing West: The Metaphysics of Indian-Hating and Empire-Building (Minneapolis, Mn., 1980), 85. Indians, as a category, had been dropped in later reenactments of this law, but only after they had been legally equated with mulattos in a 1705 law. Intermarriage with the latter group remained illegal until the modern civil rights era.

[57]See Briggs, "Slavery in French Colonial Illinois," 75-78.

new "slave code" to better control Illinois' unfree population.[58]

Even the landscape itself appeared unusual to American backwoodsmen. As Henry Marie Brackenridge noted "the French inhabitants resided in villages, and cultivated common fields adjacent to them; in the manner of many parts of Europe."[59] By contrast, "in the states, those who follow the plough, are scattered over the country."[60] Earlier, Brackenridge had recalled how "Horses or cattle, depastured, were tethered with long ropes, or the grass was cutt and carried to them in their stalls. It was a pleasing sight, to mark the rural population going and returning morning and evening, to and from the village, with their working cattle, carts, old fashioned whell plows, and other implements of husbandry."[61] This "pleasing sight" contrasted sharply with the frontier society young Brackenridge had left behind. In the Appalachian backcountry stock ran free.

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[58]"Proclamation of George R. Clark, December 24, 1778, in Kaskaskia Records, 1778-1790, 64-68.

[59]Henry Marie Brackenridge, Views of Louisiana: Together with a Journal of a Voyage up the Missouri River, in 1811 (Chicago, 1962 [orig. publ. Pittsburgh, Pa., 1814]), 113.

[60]Ibid., 119.

[61]"Henry Marie Brackenridge's Life with a French Family," in Clyde Milner, ed., Major Problems in the History of the American West: Documents and Essays (New York, 1989), 101.

Individual farmers and their families owned individual farms. The boundaries might overlap, but the intention was discreet possession, to be defended against trespass. In Virginia the only workers apt to travel as a group to the fields were African slaves.

Under such circumstances it is easy to see why the soldiers who accompanied Clark may have been reluctant to trust the Illinois French--a people many Virginians considered steadfast allies with the Indians. Thus, the people of Illinois were both citizens and outsiders. Unfortunately for the Illinois French, those Virginians most willing to welcome them as fellow citizens were usually located in Williamsburg. Virginians actually in the Illinois country saw things differently. Despite the kind words and promises of those few who officially represented the Virginia government, the Virginia militia soon began to treat the Illinois villagers like a conquered people.

The abuses suffered by the Illinois people have a familiar ring to them--a few years earlier similar abuses drove England's colonists to rebellion--a parallel lost on the Virginia militia. For example, in the fall of 1780, Captain John Rogers ordered the court of Kaskaskia to provide lodging for his soldiers, an order he readily supported with the force of arms. "Rest assured" Rogers

threatened the magistrates, "that it will be easier to nourish thirty men than three hundred which you will be, perhaps, obliged to do [if you resist]."[62] In a memorial to the Virginia government, the people of Illinois lodged a litany of complaints about the militiamen: when the militia paid the Illinois French for their services and supplies in Virginia's paper money, no one--not even George Rogers Clark--had told them that the currency had depreciated far below its face value. When the villagers refused to accept further payments of Virginia's so-called "pretend money," soldiers took what they wanted by force. In the words of the memorialists, "Our country seemed like a city taken by assault and delivered over to pillage. Armed soldiers, either in our commons or in our homes, were killing our animals. [The commander] even had the audacity to send, on several occasions, detachments of armed men with written orders to our very doors to take away by main force our firewood."[63]

Clearly Illinois would never become a fully integrated member of the Old Dominion. Thus without fanfare and apparently without notifying the people of

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[62]John Rogers to the Magistrates of Kaskaskia, in Court Assembled, November 10, [1780] in Kaskaskia Records, 1778-1790, 206-207.

[63]Memorial of the Inhabitants to the Commissioners of the State of Virginia, March 1, 1783, ibid., 331-339.

Illinois or local state officials, the House of Delegates voted in 1781 not to renew the act chartering the County of Illinois. As late as 1783 Virginia's western commissioners, uncertain of Illinois' legal status, wrote to Governor Harrison that "if that country [Illinois] is yet a part of Virginia, and not yet ceded to Congress, it is our opinion that it will be entirely lost to this State without some speedy coercive [sic] steps are taken."[64] Of course, Virginians neither completely withdrew their forces nor lost interest in the region. Over the next few years the Virginia government vigorously defended its claim to the territory between the Ohio and Mississippi Rivers and the Great Lakes. It is revealing of the Assembly's true intentions, however, that most of its communications regarding Illinois during this period were sent not to the people of Illinois, but to the Continental Congress.

In Congressional debates of April 9, 1783, Virginia's delegates used Illinois County to bolster their claim to the Northwest. Representatives of other states had

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[64](emphasis added), Western Commissioners to Benjamin Harrison, March 9, 1783, 19:216. The people of Illinois continued to utilize the governmental framework of a Virginia county until 1790 when the territorial government provided by the Ordinance of 1787 was formally extended to the Illinois region. Interestingly, the officials of another Virginia county--Kentucky--refused to recognize the authority of the Illinois magistrates. Maj. Hamtramck to Gen'l Harmar, Nov. 11, 1789, in Draper Mss., 2W130-131.

attempted a variety of arguments to invalidate Virginia's western claims--for example, a state could only justify its rights to those areas where it had actually "exercised jurisdiction." Using this criteria, James Wilson of Pennsylvania contended that "N.W. of Ohio . . . , there must be a very large Country over which no particular claims extended." The Virginia delegates responded "that if it [jurisdiction] were a criterion Va. had exercised jurisdiction over the Illinois & other places conquered N.W. of the Ohio."[65] Virginia's congressional delegates intended to protect their state's interests. They "insisted on hard terms" in their negotiations with Congress over the Northwest cession.[66]

The House of Delegates willingly used the Illinois French, just as the Council had earlier used the Huguenots, to suit their own purposes. During the Revolutionary era it was to defend Virginia's claim to frontier lands and, to a lesser extent, defending the land itself. Virginia's frontier settlers, on the other

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[65]James Madison, "Notes on Debates, Wednesday April 9," in William T. Hutchinson and William M. E. Rachal, eds., The Papers of James Madison, Volume 6, 1 January 1783-30 April 1783 (Chicago, 1969), 442-443.

[66]New York Delegates to the Governor of New York [George Clinton], Sept. 19, 1783, in Edmund Cody Burnett, ed., Letters of the Members of the Continental Congress, 8 vols. (Washington, D.C., 1921-1936), 7:300. See also, Stephen Higginson to Samuel Adams, June 10, 1783, ibid., 184, and North Carolina Delegates to the Governor of North Carolina [Alexander Martin], Sept. 26, 1783, ibid., 313.

hand, tended to view the Illinois French in a manner very similar to the way earlier Virginians had viewed a potential Acadian settlement in their midst--with alarm and distrust.

Virginia's leaders had hoped to utilize the influence of the French villagers to neutralize Great Britain's alliance with Native Americans. However, the only thing they had to offer in return was the nebulous promise of citizenship, or the threat of military conquest. While the Illinois French proved quite willing to become citizens of the Old Dominion, they never received the chance. The militia preferred to treat them as a conquered province. The House of Delegates took no measures to rectify this indignity, preferring to protect their claim to Illinois in the halls of Congress rather than in the hearts of the Illinois French. The creation of Illinois County was, in many ways, simply a matter of legislative convenience.

Might it have been possible for Illinois to become a fully integrated county of Virginia? Probably not. To have done so would have taken far more energy and effort than war-weary Virginia could muster. The differences between the people of Tidewater Virginia and those of Illinois were greater than those between the Tidewater and any other frontier district. While the physical distances between Illinois and the majority of Virginians

were significant, cultural and personal differences were greater still. The Illinois French enjoyed none of the informal connections that linked Virginia's Kentucky settlements to the Old Dominion--friends and relations, or a familiarity with the route to be travelled, for unlike the Kentuckians, they had not journeyed either to or from Virginia before.

Virginia's experience in Illinois suggests the United States would have faced similar difficulties had it been successful in its attempted conquest of Canada. Such was certainly the case with Louisiana in the early nineteenth century. This is not to argue that republican values and institutions were ill-suited for these non-Anglo-American regions--but rather that the union of thirteen disparate Anglo-American colonies was too fragile to assimilate areas with even greater ethnic differences. As the Illinois French learned all to well, it is easy to be declared a citizen, and yet still remain an outsider.

The establishment of Virginia counties to the south and east of the Ohio were more long-lived. Virginia did not release its claim to the Pittsburgh region until 1780, six years after the creation of the District of West Augusta. Kentucky remained a part of the Old Dominion until well after the Revolution. The length of Virginia's control, however, belies the ultimately

tenuous hold of the Old Dominion over the trans-Appalachian West. While many Virginians had settled in the Upper Ohio and Kentucky country, neither area enjoyed the strong attachments to the Old Dominion that had typified older frontiers east of the Appalachians. Unlike the Piedmont--a direct cultural, economic, and ethnic extension of the Tidewater--or the Valley, which despite its ethnic and socio-economic diversity, had always acknowledged the suzerainty of Virginia, the trans-Appalachian region was settled by people who were constantly reminded that they had a choice. True, it was a choice most often exercised through intrigue rather than more legal means. But even though they were just as ready to choose the bullet instead of the ballot, these "men of the western waters" believed that they had some control over their destinies. Virginia's westernmost settlers routinely peppered the legislature with grievances. When their petitions were not satisfactorily answered, they advocated forming their own state on their terms.[67]

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[67]In June 1776, as Virginia's leaders debated their own place within the empire, some democratic-minded western settlers in West Augusta circulated a petition suggesting that they form "a new Government . . . by their own authority, and send delegates to Congress to represent them as the fourteenth link in the American Chain," (emphasis added). Virginia's senate, fearful that these "flagrant instances of disaffection and uneasiness" might spread, promptly investigated the matter. Legislative authority did not, however, intimidate western settlers. Col. David Rogers's copy of "Resolves of the Senate, Va, Novr. 1st 1776." Virginia Historical Society.

Western settlers would willingly to accept Virginia's government as long as it suited their needs. When Williamsburg failed, especially in matters of defense or land titles, they stood ready to abandon the Old Dominion, trying their luck elsewhere. Whereas before the Revolution, Virginia's leaders assumed that westward expansion would occur and that such expansion would benefit the Old Dominion, by the 1780s--while still accepting the inevitability of westward expansion--they expressed reservations over the benefits of that expansion and to debate the best means of controlling the West.

Chapter V:

Virginia and the National West, 1784-1787: The Views of Jefferson, Monroe, and Washington

> "This day also, the people who lives on my land on Millers run came here to set forth their pretensions to it; & to inquire into my right. After much conversation, & attempts in them to discover all the flaws they could in my deed & ca.; & to establish a fair and upright intention in themselves . . . they resolved . . . to give me their definitive determination when I should come to the Land."
>
> George Washington[1]

More than most travelers, Thomas Jefferson kept up with his correspondence. As newly appointed American minister to Paris, he relied on letters to keep posted on the latest developments in Congress as well as in Virginia. On June 23, 1786, he might very well have reflected on how little had changed on the other side of the Atlantic. His latest communication from James Monroe contained little good news. Congressional business stood at a standstill with few members in attendance. Money

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[1]Washington, 14 September 1784, Diaries of Washington, 4:21.

troubles continued, and yet another series of Indian treaties had been signed, though it was unclear if these would be any more successful than their predecessors. The debate over western lands had also been resurrected, a new form of government having evidently been proposed. But what was Monroe saying? "It [the new form of government] is in effect to be a colonial government similar to that which prevailed in these States previous to the revolution."[2]

Monroe did not provide Jefferson with a great deal of detail about the proposed changes. The size of the new western states would be increased, thereby decreasing their total number to only three or five. Furthermore, Congress would now appoint all senior territorial officials. The most important difference between the American and British territorial systems, according to Monroe, was that American territories would eventually be "admitted into the confederacy." While no vote had yet been taken on the proposed changes, Monroe believed that his fellow congressmen "generally approved" the new plan.[3]

Jefferson's response was polite yet insistent. He feared that many congressmen supported Monroe's plan only

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[2]James Monroe to Thomas Jefferson, May 11, 1786, in Julian P. Boyd, et al, eds., The Papers of Thomas Jefferson, 23 vols. to date (Princeton, N.J., 1950-), 9:511.

[3]Ibid.

for reasons of regional self-interest. Jefferson believed that to formulate a policy based on the needs and potential benefits of the "maritime states" was a short-sighted exercise in bad faith. Writing in the summer of 1786, Jefferson argued that Congress should "state the question in its just form, How may the territories of the Union be disposed of so as to produce the greatest degree of happiness to the inhabitants [of those territories]?"[4] Jefferson reacted in a manner consistent with the opinions he had advocated while he still chaired the Committee on Western Lands. Monroe's thoughts on the West evolved during the mid-1780s away from Jefferson's enlightened view of the West toward the more pragmatic approach to frontier policy of George Washington.

Policy makers rarely agreed on the role of the western territories in the new nation between the conclusion of the revolution and the adoption of the constitution. Few congressmen feared, as did Benjamin Rush, that Great Britain had deliberately ceded the trans-Appalachian region to the United States in order to seriously weaken an overextended republic.[5] Still, most

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[4]Jefferson to Monroe, July 9, 1786, ibid., 10:112.

[5]Benjamin Rush as [Nestor], July 5, 1786, "To the People of the United States," Carlisle Gazette. Regardless of the new nation's treaty boundaries, large sections of its territory were still occupied by foreign powers--Great Britain in Maine, upstate New York, and throughout the Great Lakes, and Spain in the lower Mississippi Valley.

congressional delegates saw merit in the views of Gouverneur Morris, who maintained that the undeveloped West should be kept in a state of dependence, similar to what the thirteen states had recently escaped. Others opposed western settlement for fear that the eastern states would never be able to effectively control strong-willed frontiersmen.[6] Jefferson, who willingly acknowledged that the backcountry might be uncontrollable, stood almost alone in his belief that the West--not the East--should direct western destiny, even to the point of political independence.[7] Although Jefferson and Monroe disagreed on some aspects of western policy, they and other Virginians always assumed that the West should be an equal member of the Union or, failing that, at least a closely allied sister republic. Their disagreement turned on how best to secure the West to the Confederation. Tied to this were their diverse appraisals of the West and its people.

Thanks in large part to the Old Dominion's historic association with the trans-Appalachian West, Virginia's

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[6]Merrill Jensen, The New Nation: A History of the United States During the Confederation, 1781-1789 (New York, 1950), 10-11. John Jay to Jefferson, April 24, 1787, Jefferson Papers, 11:314; Rufus King to Elbridge Gerry, June 4, 1786, in Burnett, ed., Letters of the Members of the Continental Congress, 8:380.

[7]Jefferson to Monroe, July 9, 1786, in Boyd, ed., Jefferson Papers, 10:112.

leaders were at least familiar with the region and its people. The same could not be said of their congressional colleagues. Most congressmen had not ventured beyond the Alleghenies. Their image of the West depended on a combination of faulty maps, third-hand travelers' tales, and their own wishful thinking. For many of Jefferson's peers the real West existed only in the speculative certificates of land companies. For others it loomed as a region defined by negatives--a lawless wasteland, lacking in books, towns, roads, and other amenities of civilization. In this place of unrealized promise, a gentleman might gain the acreage necessary to secure him in his station. And yet, throughout the eighteenth century the frontier was also a place where that same gentleman might easily be treated as a mere equal by ignorant backwoodsmen.

Although Jefferson had never visited the region, his interest in it was well known. By the time of his second election to the Continental Congress in 1783, most members recognized the Virginian as an authority on western issues.[8] As a scholar, Jefferson had long collected information and artifacts of America's original inhabitants. The future president's only contribution

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[8]Noble E. Cunningham, Jr., In Pursuit of Reason: The Life of Thomas Jefferson (Baton Rouge, La., 1987), 84. This recognition may have been partially due to the mediocrity of his fellow congressmen as well as to the general lack of reliable information about the West.

that made it into Virginia's 1776 constitution involved western lands. While wartime governor, he had supported George Rogers Clark's planned expedition against Detroit, personally ordering the imprisonment of Britain's infamous "Hair Buyer General," Henry Hamilton.[9] Appropriately, he took part in drafting both Virginia's cession of her western lands and the Ordinance of 1784 for the governance of the same. The latter, in particular, is generally regarded as his handiwork. While the full extent of his contribution is debatable, as chairman of the committee on western lands, he doubtless concurred with the general features of the ordinance.

The cession and the ordinance share traits that are traceable to Virginia's influence. A number of Virginians served on the Confederation's congressional committee of western lands, where they protected the interests of their state. They insisted that Congress closely adhere to the restrictions included in the Virginian cession: first, that the West should be divided into small states conducive to a republican form of government; second, that these states should be admitted

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[9]James H. O'Donnell, "Henry Hamilton," in Jack P. Greene and J. R. Pole, eds., The Blackwell Encyclopedia of the American Revolution (Cambridge, Mass., 1991), 730-731. See also Bernard W. Sheehan, "'The Famous Hair Buyer General': Henry Hamilton, George Rogers Clark, and the American Indian," in Indiana Magazine of History, 79 (1983), 1-28.

into the union as equals; and third, that the western lands should be used for the benefit of all Americans, rather than being monopolized by speculators.[10] This last stipulation particularly redounded to Virginia's interest, as those land companies contesting Virginia's claim were based in other states, notably Maryland and Pennsylvania.[11]

Under the Ordinance of 1784 the West would be divided into small states of approximately 15,000 square miles, their boundaries based on lines of latitude and longitude. Settlers were to be responsible for their own government in the earliest stage, the only restriction being that it must be based on the constitution of one or another of the original thirteen states. When a state achieved a population of 20,000, it would receive permission from Congress to form a permanent government. The state would be eligible to join the Confederation when its population equaled that of the "least numerous of the original thirteen."[12]

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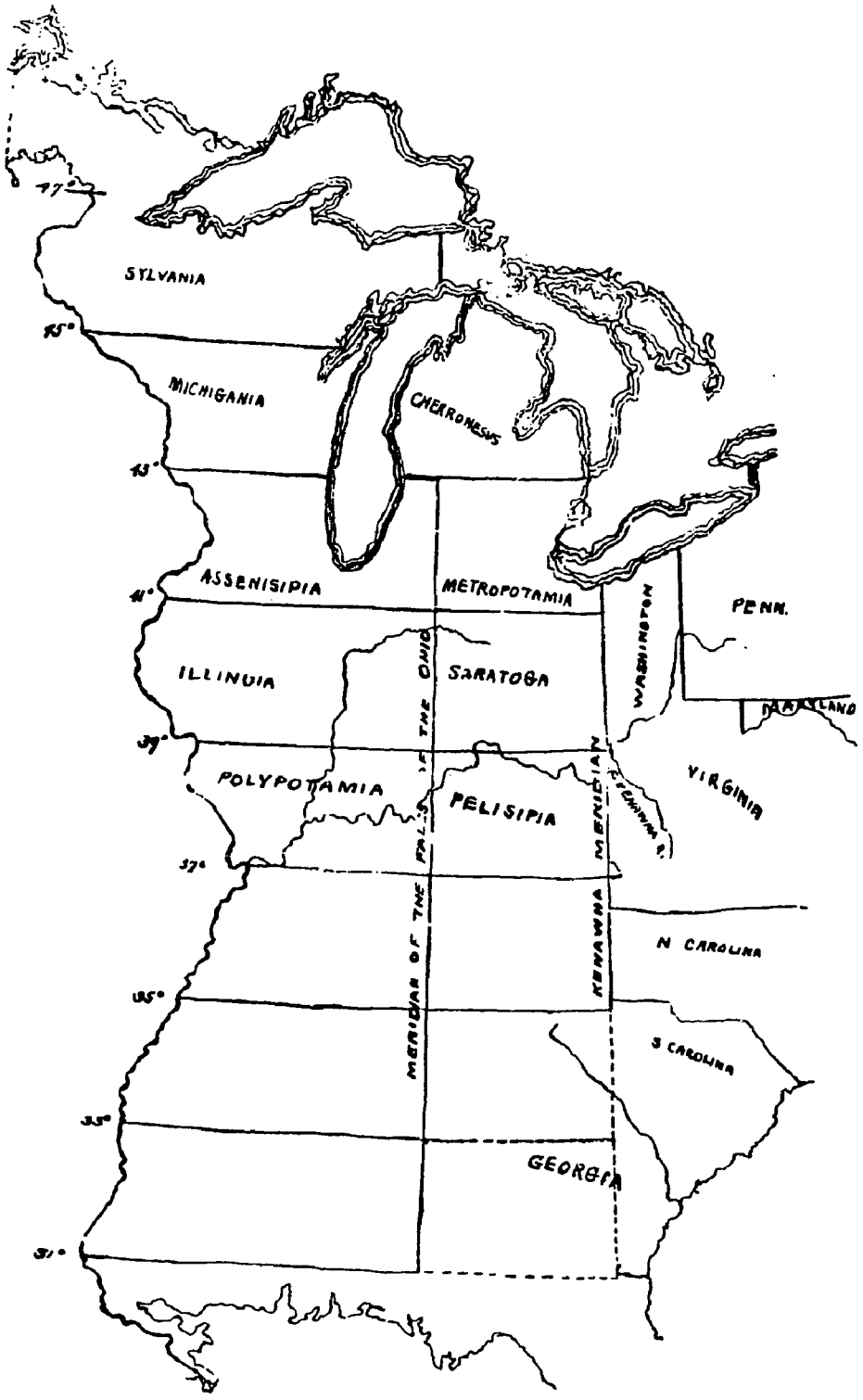
[10]"The Virginia Cession of Territory Northwest of the Ohio [1 March 1784]," in Boyd, ed., Jefferson Papers, 6:571-580.

[11]Jensen, New Nation, 350-351.

[12]"Ordinance of 1784," [April 23, 1784], in Boyd, ed., Jefferson Papers, 6:613-15.



IV. Division of the West in the Ordinance of 1784. Reprinted from Evolution of the Ordinance of 1787, by Jay A. Barrett. Published by G. P. Putnam's Sons, 1891.

The ordinance concluded with an enumeration of the principles upon which "both the temporary and permanent governments [were to be] established." The new states were required to be perpetual members of the Confederation and their "respective governments" were to be "republican." They were also subject to the Articles of the Confederation in the same manner as the original thirteen, including responsibility for their full share of the federal debt. They were restricted in their powers to tax federal property, and the property of nonresidents could not be taxed at a rate any higher than that of residents. "The preceding articles . . . formed . . . a charter of compact" and were to "stand as fundamental constitutions . . . unalterable . . . but by the joint consent" of Congress and the respective states.[13]

As soon as Congress passed the Ordinance of 1784, work began on a supplementary ordinance to facilitate the sale of western lands. As early as 1776 Jefferson had attempted to amend the proposed Articles of Confederation to allow Congress full control over Indian lands purchased in the territories--a process that would have initiated the creation of a national domain. Congressional land purchases by were then to "be freely

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[13]Ibid.

given to those who may be permitted to seat them."[14] Congress never seriously considered this proposal, with Jefferson (in effect) overruled by the Confederation treasury's pressing needs.

Money troubles continued to plague the new nation into the 1780s. Western lands appeared as a painless panacea that would cure congressional financial ills, and most members of Congress favored land sales as the most expedient means of reducing the debt. Putting a sufficiently high price on the national domain also protected the investments of land speculators, a group that included several members of Congress. An additional benefit would be the discouragement of marginal settlers. Those able to afford the purchase price should also be able to afford the price of improvements, and there would be less danger of settlers becoming impoverished.

Jefferson's initial draft of the future land ordinance of 1785 called for a decimal system of land division similar to his more successful plan for monetary reform. Congress kept the overall scheme of the rectilinear survey but rejected Jefferson's attempt to redefine the familiar, albeit unwieldy, acre, mile, and chain into decimal units.[15] In this more modest form

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[14]Ibid., 1:182.

[15]In a letter to Francis Hopkinson, Jefferson sarcastically referred to the fear that the adoption of "decimal arithmetic" would cause us to "forget how to cipher." Jefferson to Hopkinson, May 3, 1784, in Boyd, ed., Jefferson Papers, 7:205-206. Jefferson's love of order was reflected in his enthusiasm for the botanical classification system of Carolus Linnaeus. The Swedish

Congress adopted Jefferson's proposal as the Land Ordinance of 1785, which initiated a program for the division and sale of western lands. Two goals of the ordinance were to provide a structure for the sale of public lands and to prevent boundary disputes and title conflicts through a standardized system of rectilinear surveys.

The Confederation government never implemented the Ordinance of 1784, not because of any deficiencies in the ordinance but because of the relative lack of settlement northwest of the Ohio. The blame for that shortcoming must rest with Congress and its failure to adequately support the Land Ordinance of 1785. Though enacted later, Congress intended that the Land Ordinance serve as a prerequisite to the earlier Ordinance of 1784. Without the regulated settlement made possible by the survey system of the Land Ordinance, the orderly society envisioned by the Ordinance of 1784 would not be possible. As Congress quibbled over the details of western policy and searched hopelessly for adequate funding to implement those policies agreed upon, men more

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botanist sought clarity and methodical thought in his scheme of classification--just as Jefferson did in his library and his plan for the rectilinear survey system. Virginia's most famous amateur naturalist shared the Linnaeans "ambition . . . to establish, through the exercise of reason and by hard work, man's dominion over nature." Donald Worster, Nature's Economy: The Roots of Ecology (San Francisco, 1977), 2.

familiar with the West warned that time was quickly running out. In a letter to Richard Henry Lee, George Washington noted that it was impossible to "stop the road" of western migration, though it might be in the power of Congress to "mark the way," if it acted in time. Washington warned, if Congress hesitated, it would soon "not be able to do either."[16]

The flood of migrants to Virginia's westernmost counties certainly supported Washington's concerns. During the 1780s Kentucky was not only the principal area of settlement in the trans-Appalachian West, but was the area of most rapid population growth in Virginia as well. A surge of migration increased the population from a few hundred in 1775 to more than 62,000 in 1788, with the greatest increase occurring in 1784.[17] Viewing Kentucky as the norm, Jefferson saw the duty of Congress as fairly straightforward--the formal establishment of new states followed quickly by their incorporation into the Union as equal members.[18] The thousands of people already settling in the West would initiate their own local governments and institutions. If Congress would set

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[16]George Washington to Richard Henry Lee, Dec. 14, 1784, in John C. Fitzpatrick, ed., The Writings of George Washington, 39 vols. (Washington, 1931-44), 28:12.

[17]Lowell H. Harrison, Kentucky's Road to Statehood (Lexington, Ky., 1992), 7-8.

[18]Peter S. Onuf, Statehood and Union: A History of the Northwest Ordinance (Bloomington, Ind., 1987), 51.

forth the conditions of statehood, westerners themselves would take care of meeting those conditions.

The simple legislation of the Ordinance of 1784 proved inadequate to solve the nation's problems in the Northwest territories. Whereas Kentucky's society, politics, and economy were quickly maturing, the Northwest appeared destined to remain a chaotic frontier for much longer. Squatters were swarming to the north shore of the Ohio, upsetting already delicate Indian relations. Most of the tribes in this region had sided with the British during the Revolution, and Congress feared that they would soon do so again, especially with royal troops still in possession of the northwestern posts despite American diplomatic protests.

It is uncertain that the Confederation government could have occupied these forts even if the British had complied with the peace treaty. The prevailing fear of a standing army coupled with the distrust of a strong central government and a general war weariness combined to limit a viable Confederation military establishment.[19] When the British did voluntarily withdraw from their post on Penobscot Bay in Maine, Washington had no choice but to ask the Massachusetts militia to occupy it.

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[19]William B. Skelton, "The Confederation's Regulars: A Social Profile of Enlisted Service in America's First Standing Army," William and Mary Quarterly, 3d Ser., 46 (1989), 771.

Confederation forces were unable to do so because the "few troops remaining in service" and the "great distance of Penobscot . . . totally prevent[ed] [his] sending a Detachment to receive possession of that Garrison from the British."[20] By comparison, the distant, nominally American, post at faraway Michilimackinac lay far beyond the pale. No wonder some members of Congress doubted whether the United States should occupy the northwestern posts because of the "inconveniences arising from the great distance [to] the posts, their exposed situation and the expense attending them."[21] Even the French inhabitants of the Illinois country, who admitted the sovereignty of the United States, after the Virginia cession, had to beg Congress to provide them with a proper government.[22]

It was also becoming clear that Spain intended to block another American right promised by the Treaty of 1783--free navigation of the Mississippi. To keep uncontrollable American frontiersmen as far as possible

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[20]Washington to John Hancock, Oct. 8, 1783, in Fitzpatrick, ed., Writings of Washington, 27:183.

[21]The Committee consisting of Mr. Mercer, Mr. Lee, Mr. Gerry, Mr. Howell, and Mr. Paine, "Appointed to Consider of the Measures Proper to be Adopted in Order to Take Possession of the Frontier Posts" . . . Beg Leave to Observe. . . . (Annapolis, Md., 1784).

[22]Clarence Walworth Alvord, ed., Collections of the Illinois State Historical Library, 5, Kaskaskia Records, 1778-1790, (Springfield, Ill., 1909), 360-369.

from the profitable provinces of Mexico, Spain had already attempted to claim much of the trans-Appalachian West during the treaty negotiations of 1783.[23] Failing that, the Madrid government determined to make settlement of an American West as unattractive as possible. Closing the Mississippi to American shipping would not only damage western trade but also polarize opinion within the Confederation as the carrying states of the northeast squared off against the agricultural South and West in a debate colored entirely by sectional interests. By the most simple definitions of sovereignty, the United States did not fully control of its national domain.

Immediately after the passage of the Ordinance of 1784 Jefferson went to Paris, replacing the aging Benjamin Franklin as American minister to France. As principal author of the ordinance and the Virginia cession, Jefferson had been instrumental in securing the acceptance of these two acts, each of which met the conditions deemed necessary by Virginia in the surrender of her western claims. Even though both acts were ultimately accepted by Congress, passage proved difficult. Virginia's leaders insisted that their

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[23]Jack M. Sosin, The Revolutionary Frontier, 1763-1783 (New York, 1967), 142-150.

interests be protected; only the pressing financial needs of the Confederation led to the cession's acceptance.[24]

With Jefferson's departure, the task of protecting Virginia's interests in the West fell to James Monroe. During his first congressional term Monroe had served on Jefferson's committee for western lands and in 1784 succeeded Jefferson as chairman. The younger man quickly moved to become personally familiar with the transmontane territories. In late July 1784 he journeyed through western New York to the lower Great Lakes. From there he meant to tour the northwest posts and to visit the upper Ohio country, before returning east, but his itinerary was forcibly shortened by Indian hostilities and the active discouragement of the British, who still firmly held the northwest posts.[25] The following summer Monroe planned to accompany the congressional peace commission to the Indian treaty conference at the Falls of the Ohio. Once again, however, he cut short his trip as a result of Indian hostility and poor travelling conditions.[26] Though abbreviated, these two trips served as a catalyst to Monroe's reevaluation of his thinking on western policy.

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[24]Onuf, Origins of the Federal Republic, 98-102.

[25]Monroe to Jefferson, Nov. 1, 1784, in Boyd, ed., Jefferson Papers, 7:459-462.

[26]Monroe to Jefferson, Jan. 19, 1786, ibid., 9:186-191.

As late as 1783 Monroe shared Jefferson's views of the West. In October he "assured" George Rogers Clark that the Virginia legislature wished "to effect a separation [of the Kentucky settlements] and erect an independent State westward, as it will enable [Virginia] to economize [her] affairs . . . and give [her] greater strength in the federal councils."[27] Jefferson certainly favored allowing Kentucky its independence, though his reasons were not entirely altruistic. The sage of Monticello insisted that Virginia had to effect the separation on its own terms. If western settlers were did secede, they might set the boundary too far to the east, perhaps at the crest of the Alleghenies. To James Madison, Jefferson asserted that by giving up Kentucky, Virginia would divide the western settlers. Then those between the Shenandoah and the Ohio would, in Jefferson's words, "of course, be left to our management."[28]

Monroe's optimism had also waned as he became more familiar with the region. Just before his second departure in August 1785, he confessed to Jefferson that

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[27]Monroe to George Rogers Clark, October 19, 1783, in Alvord, ed., George Rogers Clark Papers, 1781-1784, Virginia Series, Volume IV, of the Collections of the Illinois State Historical Library, 19:250.

[28](emphasis added), Jefferson to Madison, 20 February 1784, Jefferson Papers, 6:547. One early traveler described the Alleghenies as a "Prodigious Broken barren country," in other words a region well suited as a boundary. Joel Watkins Diary, Virginia Historical Society, [3].

he doubted the wisdom of Kentuckian independence, not because he believed the region unfit for statehood, but because of the disadvantage such a loss would bring Virginia. Not only would a smaller Virginia lose influence, but her congressional power would be reduced by the increase in the number of states. Monroe implied that the potentially numerous states of the Mississippi Valley would ignore the needs of the older states of the Atlantic seaboard.[29]

Monroe returned from this second trip West with increased conviction of the need to alter the plan for governance of the western territories. To Madison he acknowledged his fear that the admission of new states would result in a confederacy "so fluctuating [that] there will never be energy or calculation on it either at home or abroad, every thing will be in a state of incertainty."[30] With Jefferson he was slightly less alarmist, writing instead "of the impolicy of our measures" regarding the West.[31]

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[29]Monroe to Jefferson, 25 August 1785, in Boyd, ed., Jefferson Papers, 8:441-442.

[30]Monroe to James Madison, Dec. 26, 1785, in Stanislaus Murray Hamilton, ed., The Writings of James Monroe: Including a Collection of His Public and Private Papers and Correspondence Now For the First Time Printed, 7 vols. (New York, 1898-1903), 1:110.

[31]Monroe to Jefferson, Jan. 19, 1786 in Boyd, ed., Jefferson Papers, 9:189.

Monroe proved instrumental in altering the Ordinance of 1784 to reflect the conditions he had witnessed. These changes provided the "colonial government" he described to Jefferson in his letter of May 1786. Monroe did assure Jefferson that the new plan would preserve the "most important principles of the act," namely, that once the territories reached a minimum population they would be "admitted into the confederacy" as equal members.[32] This latter point was, without doubt, the most important aspect of America's territorial policy. Through emphasizing the prospective statehood of a territory, it is easy to lose sight of Monroe's prerequisite "colonial government." Jefferson, who certainly did not, feared that western settlers would be unwilling to remain in a confederation that did not provide for fundamental rights, specifically the right of self-government.

While Jefferson understood Monroe's rationale for increasing the size and thus decreasing the number of states, he did not trust the motives of Monroe's congressional supporters. The younger Virginian simply wished to shorten the time necessary to achieve statehood: by reducing the number of states, any one state would easily include the territory and the population of three or four of Jefferson's smaller states

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[32]Monroe to Jefferson, 11 May 1786, Ibid., 9:511.

and thus be eligible for full statehood much sooner.[33] Monroe's desire to more quickly admit as states those areas already ceded to Congress by Virginia is not contradicted by his concern for slowing the separation of Kentucky, a region that was still an integral part of Virginia in the 1780s. To Jefferson, the question involved more than size. Convinced that small republics were preferable, he also believed that western settlers themselves favored smaller states. Most of all, he recognized the partisan logic that drove some members of Congress to support larger states. By contending for fewer western states, Monroe inadvertently supported the argument that the West should have less power and a smaller voice in the national government. Monroe soon realized the same.

Two months later, on July 16, 1786, Monroe advised Jefferson that some members of Congress wished to go far beyond merely reducing the number of states: it was "plainly the policy of these men to . . . keep them [the western states] out of the confederacy altogether." Such a "mischievous . . . policy" could only be "calculated to throw [the West] into the hands of Great Britain."[34] Through population quotas and other restrictions, representatives from New England were attempting to

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[33]Ibid., 9:189.

[34]Monroe to Jefferson, July 16, 1786, ibid., 10:143.

"rescind everything" they had agreed to in the Ordinance of 1784. Nor were they willing to leave it at that, as Monroe also warned Jefferson of "an intrigue . . . to occlude the Mississippi," closing it to American trade, in exchange for Spanish concessions that would only benefit New England.[35]

On December 16, 1786, after a three-month leave from writing due to a dislocated wrist, Jefferson wrote Madison expressing his alarm over Congress' reversal over the proposed division of western states--making them "fewer and larger." Jefferson viewed this, together with New England's attempt to close the Mississippi, as a purely partisan action designed to secure advantage for the northeastern states. Together, these measures made the break-up of the Confederation much more likely. As Jefferson explained, "it might have been made the interests of the Western states to remain united with us, by managing their interests honestly and for their own good. But the moment we sacrifice their interests to our own, they will see it better to govern themselves. The moment they resolve to do this, the point is settled. A forced connection is neither in our interests nor within our power."[36]

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[35]Ibid.

[36]Jefferson to Madison, Dec. 16, 1786, ibid., 10:603.

This concern underscores the basic differences between Jefferson and other Virginians over territorial governance. Jefferson preferred settlers to be Americans first. He feared that if they were not accorded those rights and liberties enjoyed in the thirteen eastern states, they would break away to form their own nation. His fears appear more plausible when it is remembered that he expected most settlers to be drawn from the native-born of the eastern states. He opposed immigration from monarchist countries, because he feared that it would "warp and bias" the direction of American society "and render it a heterogeneous, incoherent, distracted mass."[37] Foreign migrants were likely to prove even more troublesome in the West. Native-born Americans, on the other hand, would not only be well versed in their republican responsibilities but would also expect to enjoy the same republican rights as their countrymen in the East. A West settled by eastern Americans would require less instruction and less outside control because its settlers were already Americans.

Unlike Jefferson, Washington expected that the western population would "more than probably be composed in a great degree of Foreigners."[38] The general, like

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[37]Jefferson, Notes on the State of Virginia, ed. William Peden (Chapel Hill, N.C., 1954), 85.

[38]Washington to Richard Henry Lee, 22 August 1785, in Fitzpatrick, ed., Writings of Washington, 28:231.

those colonial Virginians obsessed with the Huguenots and other European Protestants, expressed a preference to seat his own lands with "particular Societies, or religious Sectaries with their Pastors."[39] Perhaps he agreed with Jefferson's sentiment that only a "tractable people may be governed in large bodies."[40] But where Jefferson rationalized that the government should be formed to fit the people, Washington was not averse to limiting western rights if it were in the interests of the United States. Washington would willingly close the Mississippi in order to force western citizens to trade directly with the eastern states. Rather than relying on the sentiments of republican liberty, Washington believed that only "a Commercial connexion" could satisfactorily bind the West to the East.[41]

Monroe and others who had actually visited the West leaned toward the general, as did the majority of Congress in 1786. While members of the Continental Line had expressed an interest in settling veterans together in a new western state as early as 1783, most prospective settlers were expected to be a different caliber of

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[39]Washington to John Witherspoon, 10 March 1784, Papers of George Washington, Confederation Series, vol. 1, 199.

[40]Jefferson to Madison, Dec. 16, 1786, in Boyd, ed., Jefferson Papers, 10:603.

[41]Ibid.

people.[42] As settlements progressed farther westward, Washington believed they attracted the same sort of people William Byrd II had encountered fifty years earlier in the Carolina backcountry. Washington certainly accepted most of Byrd's opinions regarding frontier settlers, pointedly describing Ohio Valley occupants as a "parcel of Banditti" who "bid defiance to all authority." Worse they were "skimming and disposing of the Cream of the Country at the expense [of those who had] fought and bled to obtain it."[43]

In addition to their anxieties over an unregulated frontier, as well as the Old Dominion's diminished role in the national government, eastern Virginians shared other, more immediate, fears. John Joyce wrote from Caroline County that westward migration had "lowered the purchase [price] of land [too] much [in old Virginia] and have made taxes more severe." After a more detailed description of the west's allure, Joyce added that "There are no emigrants [to] settle in this part of Virginia Except Merchants & Mechanicks."[44] The increase of

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[42]Jay A. Barrett, Evolution of the Ordinance of 1787 (New York, 1891), 7-9.

[43]Washington to James Duane, Sept. 7, 1783, in Fitzpatrick, ed., Writings of Washington, 27:136-137.

[44]"John Joyce to Rob[er]t Dickson, 24 March 1785," Virginia Historical Society. The out migration had began just before the Revolution. As Allan Kulikoff notes, "More than a fourth of the youths born in the [Chesapeake] region during the 1750s and 1760s left the area before the Revolution." Tobacco and Slaves, 77.

inhabitants so confidently predicted by William Byrd II over fifty years earlier still held true. Only now eastern Virginia, rather than being the immigrant's destination, more often served as the point of departure.

In his apprehension over people roaming far and wide across the western lands, Washington shared earlier British notions of people as the wealth of nations. James Oglethorpe had used this same argument when he observed that only those citizens who "add yearly to the capital stock of their country" were a true measure of wealth. "An infirmary of incurables" or "prisons filled with thousands of . . . debtors" were more apt to prove a "burthen to the nation."[45] For Washington, the wide ranging frontier "banditti" were likewise a drain in that they carelessly consumed the resources of the West leaving little for the speculative management of gentlemen such as himself. Washington's views echoed those of the eighteenth-century economic theorist Josiah Tucker, who argued that "where a country is thinly peopled, it is impossible to promote a brisk and general Circulation of Industry and Labour, by reason of the Distance and Dispersion of the People for each other, and the Consequence of that, their Want of Rivalship and

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[45]James Oglethorpe A New and Accurate Account of the Provinces of South Carolina and Georgia (1732), as reprinted in The Most Delightful Country of the Universe: Promotional Literature of the Colony of Georgia, 1717-1734 (Savannah, Ga., 1972), 133-134.

Emulation."[46]

Washington had other western apprehensions. As commander in chief, he knew that western lands were about the only compensation the officers and men of the Continental Army could expect from the beleaguered Congress. In 1783, he feared an Indian war, doubtless provoked by these irregular western settlements; Washington did not trust western settlers to respect Indian boundary lines. To secure the separation between red and white, he proposed "a Proclamation . . . making it a Felony . . . for any person to Survey or Settle beyond the Line" of lands legally purchased from the Indians. He further proposed that the military "should have pointed and peremptory orders" to enforce the proclamation.[47]

In effect, Washington advocated a return to the British policy of separation attempted with the Proclamation of 1763, but, unlike the British, his rationale was not limited to preventing conflict with the Indians. For "even supposing no disputes . . . with the

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[46]Josiah Tucker, The Elements of Commerce and Theory of Taxes (1755) as reprinted in Robert Livingston Schuyler, ed., Josiah Tucker: A Selection of his Economic and Political Writings (New York, 1931), 63.

[47]Washington to Duane, Sept. 7, 1783, in Fitzpatrick, ed., Writings of Washington, 27:136-137. Washington's advocacy of a Proclamation line to separate the frontiersmen from the Indians is ironic in view of the reception Americans gave the earlier British Proclamation Line of 1763.

Indians [or] that it was not necessary to guard against . . . other evils," a compact settlement would still be preferable to allowing "People to roam over a Country of at least 500,000 Square Miles contributing nothing to the support, but much perhaps to the Embarrassment of the Federal Government."[48]

Much of the general's outrage may be traced to his fear of financial compromise; some of these frontier ruffians were squatting on his own land.[49] And he, like most other men of property, took a dim view of trespass. A compact settlement would help to maintain property values. Jefferson, in contrast, displayed much more trust. He doubted in 1784 that settlers were squatting on the north side of the Ohio. But if they were, he argued that "[t]hese very people will be glad to pay the price which Congress will ask to secure themselves in their titles to these lands."[50]

Washington, with a different view of human nature, knew better. Even with the power of the courts behind him, he had difficulty evicting squatters from his lands.

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[48]Ibid., 139.

[49]George Washington to Thomas Smith, July 1785 in W. W. Abbot and Dorothy Twohig, eds., The Papers of George Washington: Confederation Series 2, July 1784-May 1785, 8 vols. (Charlottesville, Va., 1992), 2:342-351; Editorial Note, ibid., 338-342, 351-353.

[50]Jefferson, notes in response to inquiry of Gijsbert Karel van Hogendorp, in Boyd, ed., Jefferson Papers, 7:220-221.

With his extensive western land holdings, he had a large personal stake in the West. By his own calculations he owned about 40,000 acres just along the Ohio River.[51] Though a speculator himself, Washington was alarmed by what he considered rampant speculation in the Ohio valley. "Men in these times," he wrote, "talk with as much facility of fifty, a hundred, and even 500,000 Acres as a Gentleman formerly would do of 1000 acres."[52] This is a telling complaint from a gentleman who had eagerly invested in the Mississippi Company's request for 2,500,000 acres.[53] But Washington's concern is consistent with his desire to properly manage western development. To strengthen economic connections, he advocated a system of inland navigation to link the Ohio with the James and Potomac rivers. Not only would this increase the value of his lands, but the increase in trade would cement western interests with those of the maritime states, particularly Virginia.[54] To maintain

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[51]Washington to Israel Shreve, July 15, 1785, in Fitzpatrick, ed., Writings of Washington, 28:199.

[52](emphasis added), Washington to Jacob Read, 3 Nov. 1784, in Fitzpatrick, ed., Writings of Washington 27:486

[53]Washington to Israel Shreve, July 15, 1785, in Fitzpatrick, ed., Writings of Washington, 28:199, and Del Papa, "The Royal Proclamation of 1763," Virginia Magazine of History and Biography, 410-411.

[54]Washington to Jefferson, March 29, 1784, in Boyd, ed., Jefferson Papers, 7:49-50. This letter was written in reply to Jefferson's letter to Washington, March 15, 1784, ibid., 7:25-29. See also Washington to Robert Morris, Feb. 1, 1785, in Fitzpatrick, ed., Writings of Washington, 28:48-55, and Washington to Marquis de Chastellux, Sept. 5, 1785, ibid., 28:254.

political connections, he advocated a strong central government to control the unruly western "banditti."[55]

The views of men such as Washington and Monroe helped persuade Congress to take a different view of the West. At the same time, inhabitants of Illinois were asking Congress for a stronger government and reminding delegates that not all western settlers were transplanted Americans. On June 22, 1784, these Illinoisans petitioned Congress that they might be permitted to "form a new state." In addition, they noted that it would be "necessary for Congress to send . . . somebody to help . . . in drawing up a constitution." This assistance was needed because the inhabitants had "always been governed by the military" and had "never had experience with the machinery of a republic."[56] Unknown to Congress, the petitioners, a minority of those living in Illinois, had misrepresented their region. While a military governor officially oversaw the Illinois region, the self-reliant French had usually managed their own affairs in much the same manner as colonial New Englanders.[57] But Congress did not know this. As late as 1787, Madison confessed

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[55]Washington to Duane, Sept. 7, 1783, in Fitzpatrick, ed., Writings of Washington, 27:136-137.

[56]John Dodge to the President of the United States in Congress, June 22, 1784, in Alvord, ed., Collections of the Illinois State Historical Library, 5:365-366.

[57]Briggs, "Le Pays des Illinois," 30-56.

that the problem of government for the settlements of Illinois had become "a subject very perplexing in itself; [one] rendered more so by our ignorance of many circumstances on which right judgment depends."[58] To be sure, the Americans were probably inclined to doubt the ability of the French to govern themselves.

The humble request of the Illinoisans contrasts sharply with petitions from the upstart "state" of Franklin in western North Carolina (now Tennessee). There the "privileges of American citizens" were assumed and the Declaration of Independence held up as an example to justify their actions.[59] The State of Franklin proved especially threatening to Virginians because of the significant number of sympathizers in Washington County, in southwestern Virginia, who wished to secede from the Old Dominion and join the new state. Arthur Campbell, a member of the Washington County Court successfully persuaded his fellow citizens to send no representatives to the House of Delegates in March 1785. Separatists in Washington County were not interested in being managed, certainly not by a distant legislature controlled by

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[58]Madison to Jefferson, April 23, 1787, in Boyd, ed., Jefferson Papers, 11:308.

[59]"Extracts from an Address to the Western Inhabitants" enclosed in Charles Cummings to the President of Congress as quoted in Peter S. Onuf, The Origins of the Federal Republic: Jurisdictional Controversies in the United States, 1775-1787 (Philadelphia, Pa., 1983), 34-38, 222 n. 78.

tobacco barons. Not only did ties of kinship, culture, and economy bind them to the Franklinites, but they shared a history as well. Most residents of southwestern Virginia and eastern Tennessee had followed the same migration routes through the mountains. They had shared the hardships of isolation, deprivation, and other dangers of living on the Appalachian frontier. While the residents west of the Blue Ridge faced the formidable warriors of the Cherokee, Shawnee, and Iroquois, eastern Virginians only had to deal with the troops of Lord Cornwallis. While eastern Virginians often blamed their fellow citizens for their frontier troubles, western settlers complained that the eastern counties expected them to abandon their homes and rush to the Tidewater's defense whenever strange sails were sighted in the Chesapeake. It did not help the east's reputation that on the few occasions that the western militiamen had seen the British regulars in action--Braddock's defeat and the Battle of King's Mountain--his majesty's troops had been singularly unimpressive. Fortunately, for Virginia interests, a dispute over the proposed Franklin constitution pitted those who advocated the adoption of a modified version of the North Carolina constitution against a distinct minority (mostly Virginians) who favored a more liberal document.[60]

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[60]Abernethy, Western Lands, 292-294.

The Franklinites, including their southwest Virginia allies, justified their actions on a liberal reading of Jefferson's Ordinance of 1784 with its promise that actual settlers would be responsible for forming their own governments. For western settlers it did not matter that Congress had not formally put Jefferson's plan into action. In their view the principles Jefferson had laid out were fundamental. This was not the intent of Congress, and the ambiguities that made this misinterpretation possible were removed from the new plan of government, the Ordinance of 1787, which also corrected other perceived deficiencies of the Ordinance of 1784. Dissatisfied westerners also recalled the ideal of reciprocity espoused by revolutionary Americans in their protests of British taxation. While these parallels may have been lost on the Confederation congress, they were gleefully spelled out by the Gentlemen's Magazine of London when it editorialized that "the people of the western counties found themselves grievously taxed for the support of government without enjoying the blessings of it."[61] Most eastern leaders, however, refused to concede that unkempt western farmers were genuine heirs to America's revolutionary ideals.

Members of Congress began to doubt the wisdom of Jefferson's policy of minimal interference in the West,

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[61]Gentlemen's Magazine, 55 (August 1785), 656.

especially in regard to the northwest.[62] Rather than sturdy republican farmers, the national domain seemed only to attract squatters and other undesirables. The Ordinance of 1784 was clearly inadequate. Distant dominions, where the authority of the United States looked tenuous at best, were not the best place to experiment with Jefferson's idealistic notions of government. Most congressmen were more inclined to accept Washington's view: Territorial government should reflect the needs of the federal government, and, when possible, settlers should be selected to fit the needs of the government, rather than molding government to meet the needs of backwoods "banditti." Richard Henry Lee described the Ordinance of 1787 as "much more tonic than our democratic forms on the Atlantic."[63] This was necessary, he wrote to Washington, "for the security of property among uninformed, and perhaps licentious people as the greater part of those who go there are."[64] Even those New Englanders who had once opposed westward migration now advocated the same as a means of improving

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[62]Monroe to Jefferson, Jan. 19, 1786, in Burnett, ed., Letters of the Members of the Continental Congress, 8:285-286, and Monroe to the Secretary for Foreign Affairs [John Jay], April 20, 1786, ibid., 8:342.

[63]Richard Henry Lee to William Lee, July 30, 1787, ibid., 8:429-430.

[64]Richard Henry Lee to Washington, July 15, 1787, ibid., 8:620.

the territory.[65]

In Virginia, the spectrum of thought toward the West may be neatly symbolized by the opinions of Jefferson, Monroe, and Washington. While all three men agreed that "new states . . . must be the inevitable consequence of emigration to [the West]," they differed on the best means of securing these states to the union.[66] For Jefferson, the republican sentiments of westerners would be enough to connect them to the American republic, although he conceded the promotion of an economic connection as well; thus his encouragement of Washington's involvement in improvements of Potomac navigation. But Washington was much more insistent on the importance of this connection. In addition to the bond of trade, he also felt that the right sort of people had to domesticate in the West. Unwilling to trust westerners to do what was best for the United States, he thought they should to be persuaded to do so, preferably through legislation, but by force if necessary. Monroe, through the evolution of his own thought, served as an ideal compromise between Jefferson's idealism and the more conservative views of men such as Washington.

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[65]The Massachusetts Delegates to the Governor of Massachusetts [John Hancock], May 27, 1788, ibid., 8:740

[66]Washington to William Grayson, April 25, 1785, in Fitzpatrick, ed., Writings of Washington, 28:138.

Monroe realized that it was not enough to legislate equality as the Ordinance of 1784 had done. Personal experience convinced him, like Washington, of the dangers in Jefferson's hands-off policy, especially during the beginning stages of territoriality. The changes he proposed to Jefferson's Ordinance of 1784 were designed to give the new states the resources they needed to become truly equal members of the nation.

Monroe's proposed revisions in territorial government eventually became the core of the Ordinance of 1787. Admittedly, his "colonial government" was initially less democratic than the Ordinance of 1784. But self-government was only deferred, not denied. Jefferson's proposal that western states should be "free and independent" was widely accepted by 1787.[67] Additionally, his amendment banning slavery--rejected by Congress in 1784--was adopted in 1787 by an almost unanimous vote. Jefferson's idea of a compact between the old states and the new was also revised and expanded into the six Articles of Compact of the Ordinance of 1787.[68]

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[67]Jefferson had suggested that Virginia set up new independent colonies in his draft of a new state constitution in 1776. See his draft of a constitution for Virginia, in Boyd, ed., Jefferson Papers, 1:363.

[68]See the Appendix for an explication of Jefferson's, Monroe's, and Washington's influence on the Ordinances of 1784, 1785, and 1787.

Washington's concerns with Indian relations received attention in both the ordinances of 1785 and 1787. Through its requirement of prior survey, the Land Ordinance effectively separated white settlement from Indian lands. This same requirement also encouraged compact settlement--a necessity of good government in Washington's view. The Ordinance of 1787 reminded settlers that only Congress could lawfully wage war against the Indians.

The national government never seriously considered Jefferson's proposal of letting the needs of the West determine western policy--though his ideas did help modify the more conservative opinions of Washington and others. Monroe's thinking was far more typical. While his perspective changed with time, Monroe's ideal western program was always determined by the needs of the East, particularly his home state of Virginia. Fortunately for the West, Virginians of the caliber of Jefferson, Monroe, and Washington, were in favor of new states in the West.

The western problem faced by the early republic was twofold. How should the west to be secured? And how could Congress assure that a west thus secured would be a positive addition, rather than a hindrance, to the Union? A policy that combined firm control with the republican principles of self-government became the answer. The ordinance achieved this balance in its coupling of

temporary and permanent measures. Together with the Constitution, the Ordinance of 1787 made possible the continental expansion of the United States.

Virginia's revolutionary leaders, through their experience in governing remote western lands, recognized the task as too difficult for a single state to accomplish alone, especially one as war-weary and insolvent as 1780s Virginia. Accordingly, the Virginia gentry willingly turned to the national government to address their frontier concerns. Through membership on the Committee on Western Lands, Virginians Thomas Jefferson, James Monroe, Edward Carrington, and Richard Henry Lee influenced the type of territorial government chosen for the national domain. With the adoption of the Constitution, and especially with the election of George Washington as president, Virginians were able to directly influence national policy in what had once been westernmost regions of the Old Dominion.

Chapter VI:

Personal Opportunities and Public Threats: Virginians Reinterpret the West

> "The Commonwealth of Virginia, was throughout, a slave-holding commonwealth (would to God she were so now.) . . . Yes Sir: Virginia was then not only throughout, a slave-holding, but a tobacco-planting commonwealth."
>
> John Randolph[1]

Even though Patrick Henry lamented that the new "government is not a Virginian, but an American government," most Virginians must have taken comfort in the strong mark the Old Dominion had left on the new federal union.[2] The very foundation of that union, the Constitution, rested on James Madison's Virginia Plan. The nation had unanimously elected George Washington as its first president, and the general had then chosen

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[1]Proceedings and Debates of the Virginia State Convention of 1829-1830: to which are subjoined, the new constitution of Virginia, and the votes of the people (Richmond, Va., 1830), 315.

[2]Jonathan Elliot, The Debates in the Several State Conventions on the Adoption of the Federal Constitution . . ., 4 vols. (Washington D.C., 1836), 3:55.

fellow Virginians Thomas Jefferson, Edmund Randolph, and John Blair to serve with him. Madison had been elected to the new House of Representatives, where he and his fellow Virginians formed the largest state delegation.

As president, George Washington faced responsibilities truly national in scope, yet time and again he turned his attention to the same western woods and waterways he had wandered as a young man. Ever the expansionist, Washington still believed that the trans-Appalachian West could determine the prosperity of the eastern seaboard, just as he realized that the West could just as easily bankrupt the nation. Already, Virginia's most famous land speculator had concluded that distant lands were "attended more with plague than profit."[3] Notwithstanding any personal misgivings, Washington remained committed to the West and its role in the Union.

Just two years after assuming office, Washington saw Kentucky--until then the westernmost counties of Virginia--become the first western state to join the original thirteen. During his first term, he also faced

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[3]Washington to James Ross, 16 June 1794, as quoted in editorial note in W. W. Abbot and Dorothy Twohig, eds., The Papers of George Washington, Confederation Series (Charlottesville, Va., 1992), 2: 353, 356. At the time of his death Washington still owned just over 40,000 acres of western land in Virginia, Pennsylvania, Kentucky, and the Northwest Territory. John C. Fitzpatrick, ed., The Last Will and Testament of George Washington and Schedule of his Property to which is appended the Last Will and Testament of Martha Washington (Mount Vernon, Va., 1939), 43-46.

the prospect of that same region leaving the union altogether as some of Kentucky's leading citizens flirted with Spanish and British imperial agents. Then another group of former Virginians in the area around Pittsburgh directly challenged the authority of the federal government in the Whiskey Rebellion.

Thomas Jefferson shared some of Washington's western concerns, notwithstanding their well-known political differences. The second Virginia president oversaw the Louisiana Purchase, the Lewis and Clark Expedition, and the admission of the first state, Ohio, from the Northwest Territory. Separatist schemes also threatened Jefferson's America when his former vice president, Aaron Burr, plotted to take the Mississippi Valley out of the Union. Like Washington, Jefferson generally succeeded in his attempts to solve western problems. But already, more than a few Virginians were beginning to doubt the relevancy of the West to the Old Dominion's well-being. While the West continued to hold opportunity for Virginia migrants, the region became a source of frustration for those who remained in the Old Dominion.

In the early nineteenth century, the heirs to Virginia's generation of founding fathers reluctantly realized that with the admission of new western states, Virginia lost influence, just as James Monroe had predicted in the 1780s. With the passing of the Virginia

Dynasty, the caliber of the Old Dominion's leaders seemed to be slipping into political mediocrity. Instead of debating western policy at the national level, Virginians bickered over the relationship of long-settled eastern Virginia to the state's mountain counties--all that remained of the Old Dominion's once-extensive western claims. In the process, they reconceptualized both Virginia and Virginians. Rather than viewing Virginia as an essential part of the Union, men such as Nathaniel Beverley Tucker and Edmund Ruffin increasingly identified their state with an insurgent South. Instead of expanding the Old Dominion's jurisdiction, these men seemed willing to jettison those parts of Virginia that did not fit their narrow definition of "true Virginia."

While both George Washington and Thomas Jefferson realized that the expansive Virginia of the early Revolution must inevitably decrease in size, they advocated the separation only of those territories that were geographically too remote to govern effectively from Williamsburg. Any partition must occur with the approval of the Old Dominion, thereby assuring an orderly and appropriate division. If Washington and Jefferson recognized the rights of American frontiersmen, neither advocated allowing western settlers to follow policies that might prove injurious to either the United States or Virginia.

Since the Revolution, certain Kentuckians had schemed to take their region out of the Union. James Wilkinson, brigadier general during the Revolutionary War and a Maryland native, had ingratiated himself with the district's leading politicians the moment he arrived in Kentucky in 1784. Wilkinson initially limited his ambitions to the movement to detach Kentucky from Virginia, but the lure of international intrigue soon shifted his attention to the Spanish port of New Orleans.[4] While Wilkinson's key role in the "Spanish Conspiracy" is beyond dispute, the general hardly acted alone. Wilkinson, ever the opportunist, ably presented his plans to ally Kentucky with the Spanish empire as both possible and profitable. In 1788, Isaac Dunn, recalling conversations "among the most distinguished citizens" of Kentucky, asserted their commonly held belief "<u>that the direction of the current of the rivers which run in front of their dwellings points clearly to the power to which they ought to ally themselves</u>."[5]

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[4]Harrison, <u>Kentucky's Road to Statehood</u>, 35-36, 49-54, and Watlington, <u>The Partisan Spirit: Kentucky Politics, 1779-1792</u>, 85-89, 140-147.

[5](original emphasis), Isaac Dunn's dispatch to Governor Esteban Miro (of Louisiana), 15 June 1788, in Watlington <u>The Partisan Spirit</u>, 144. The rivers that Dunn and his fellow Kentuckians so confidently cast their fate upon flowed into the same Mississippi that Washington and others were just as willing to dam to western commerce in the United States' negotiations with Spain.

Many, perhaps the majority, of the men Dunn described hailed from eastern Virginia, a number having graduated from the College of William and Mary. All were still citizens of the Old Dominion and would remain so until Kentucky became the fifteenth state in 1792. Some of these same men reputedly held secret commissions as colonels from the Spanish governor in New Orleans.[6] Several received appointments from George Washington to various federal positions. The President, aware of the Spanish conspiracy, may have seen the appointments as the most expedient way to secure to the Union the interests of Kentucky's leading men.[7] It may also be that he was more inclined to look leniently on the activities of men he knew either by family or reputation. Regardless of his rationale, Washington treated the potential Kentucky traitors with more forgiveness than he did other backcountry dissidents such as the Whiskey rebels, men the Virginian never mistook for "distinguished citizens."

Unlike the secretive Kentucky separatists, the Whiskey rebels publicly asserted their perceived rights and demanded changes. Rough-looking crowds gathered expectantly around liberty poles in the upper Ohio Valley and other frontier settlements. Despite the disloyalty implicit in their actions, no one attempted to hide his

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[6]Watlington, The Partisan Spirit, 196, 199.

[7]Ibid., 202.

dissatisfaction with the unresponsive distant government. Simple farmers and local merchants alike openly advocated violence against any and all known collectors of the hated whiskey excise tax. Members of the local gentry readily allied themselves with their poorer neighbors in what all saw as a matter of principle. Rumors already circulated that a formidable army was being readied to march against them.[8]

Meanwhile, in Philadelphia Washington and Hamilton pored over maps as they planned their own strategies. While both the general and his aide-de-camp were experienced military men, neither had ever led an attack against his fellow citizens in the newly established American republic. Despite the Secretary of the Treasury's enthusiasm, President Washington did not care for that particular aspect of setting precedents: marching a federal army against the so-called whiskey rebels.

The Whiskey Rebellion--a direct response to the fledgling federal government's first attempt to levy an internal tax--revolved specifically around two competing interpretations of local and national jurisdictions, and more generally, it reflected the deteriorating relations between East and West. Articulate opponents to the tax

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[8]Thomas P. Slaughter, The Whiskey Rebellion: Frontier Epilogue to the American Revolution (Oxford, 1986), 206-209.

employed language similar to that used by colonial Americans to protest British taxation policies of the 1760s and by opponents to the Constitution in 1787. They believed that the federal government, like the British Empire, should limit itself to external taxes. Internal taxes, such as the whiskey excise, fell strictly within the realm of state or provincial governments.[9] This view on taxation reflected the anti-federalist conviction that national and local governments must inhabit separate spheres; if not, one or the other must be superior--an advantage antifederalists preferred remain with the states.[10] Federalists, by contrast, had favored a strong national government expressly to combat the decidedly inferior Confederation Congress and to reign in the quibbling state governments. As heirs to the deferential politics of the colonial era, most federalists doubtless

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[9]While many of the whiskey rebels made this argument, they were no more willing to pay state excise taxes. Senator William Maclay, of Pennsylvania, admitted that his state "had been obliged to wink at the violation of her excise laws in the western part of the state ever since the Revolution." Ibid., 98.

[10]Gordon S. Wood, The Creation of the American Republic, 1776-1787 (New York, 1972 [orig. publ. Chapel Hill, N.C., 1969]), 529-530. Most historians abandon the Antifederalists after the adoption of the Constitution, a situation lamented by Richard Ellis. For a discussion of their continued influence into the early nineteenth century see Ellis, "The Persistence of Antifederalism after 1789," in Richard Beeman, Stephen Botein, and Edward C. Carter II, eds., Beyond Confederation: Origins of the Constitution and American National Identity (Chapel Hill, N.C., 1987), 295-314.

believed that the new communities of the frontier should submit to the counsel of those who were older, wiser, and wealthier.

Federalists also believed that the central government had the right to impose internal taxes, though not all agreed that it should. The Washington administration--with the prominent exception of Treasury Secretary Alexander Hamilton--found the matter of the unpopular whiskey excise particularly delicate. Ignoring strong congressional opposition and numerous petitions from western districts, Hamilton had continued to push for an internal tax on all distilled spirits as a means of filling the federal government's meager coffers. When Congress acquiesced to the secretary's scheme and the excise became law in March 1791, popular protests erupted throughout the backcountry.

As with colonial protests against the hated Stamp Act, the favorite target of citizens' outrage continued to be those charged with actual enforcement and collection--the excise inspectors. One distiller in western North Carolina locked an inspector in his still house for safekeeping in preparation for the "mild punishment" of scraping the inspector's "Nose . . . off at the Grindstone." Fortunately, the federal agent suffered the much more lenient retribution of merely

being "confined three days on water only."[11] In the new state of Kentucky, distillers refused en masse to pay the tax. Juries there cooperated by refusing to find anyone guilty of non-compliance. The few agents who attempted to perform their duties were repaid with intermittent acts of violence--some had their official records stolen, others were physically threatened, and at least one was tarred and then rolled in leaves, no feathers apparently being handy.[12]

In Maryland and Pennsylvania protesters gathered around liberty poles to vent their outrage against the unwanted tax. In southwestern Pennsylvania, moderate men such as Albert Gallatin, Edward Cook, and Hugh Brackenridge--while they acknowledged the right of Congress to levy taxes--organized mass meetings for the purposes of encouraging Congress to repeal the hated legislation. Such moderation was not unanimous, however, as some distillers in the Pittsburgh region--like their counterparts to the south--also attacked the persons and property of tax collectors.[13] Distillers from the northwestern counties of Virginia also joined the rebels

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[11]Jeffrey J. Crow, "The Whiskey Rebellion in North Carolina," The North Carolina Historical Review, 66 (January 1989), 18.

[12]Mary K. Bonsteel Tachau, "The Whiskey Rebellion in Kentucky: A Forgotten Episode of Civil Disobedience," Journal of the Early Republic, 2 (Fall, 1982), 242-246.

[13]Slaughter, Whiskey Rebellion, 109-120.

around Pittsburgh, while some from Augusta County formed an association aimed at repealing the tax--by force if necessary.[14] Authorities forced the Augustans to recant their pledge, but for the most part ignored protests in the more remote counties along the Ohio.[15]

From a western perspective, the whiskey tax represented the latest example of the central government's thoughtless incompetence in western affairs. A host of trans-Allegheny residents assumed that eastern governments had largely neglected their defensive needs during the Revolution. Once peace had been secured, these same eastern governments not only took control of the lands won by western blood, but proceeded to accuse the frontiersmen of instigating the persistent Indian troubles. In 1785 Congress sent troops to the Ohio Valley, not to defend settlers from Indians but to do just the opposite. Instead of pushing the Indians back into the wilderness, the United States Army began to remove white Americans from the north shore of the Ohio.[16] When the settlers refused to cooperate, the troops burned them out. John Armstrong, an officer in

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[14]Ibid., 118, 120.

[15]Ibid., 206, 255, no. 22.

[16]General Harmar had been instructed "to drive off all surveyors and settlers on the lands of the United States." Harmar to General Arthur St. Clair, 1 June 1785, as quoted in Walter H. Mohr, Federal Indian Relations, 1774-1788 (Philadelphia, 1933), 117.

charge of the operation, echoed the sentiments of George Washington in declaring that squatters were "banditti whose actions are a disgrace to human nature."[17] The United States also disappointed frontiersmen in economic matters when it negotiated with Spain to close the Mississippi river to American shipping in return for commercial advantages for New England. Worse, many frontiersmen were convinced that each of these insults had been tendered by an eastern legislature in which they did not have adequate representation.

In an article in the National Gazette, Hugh Henry Brackenridge briefly outlined the reasons for western dissatisfaction with the whiskey excise. First, with the Mississippi closed, western farmers had no choice but to convert a greater proportion of their grain into whiskey, a "circumstance . . . sufficient to justify a suspension of the tax until the navigation" reopened. Second, western residents paid more for all imported goods than did eastern Americans, thanks to the high cost of transporting goods across the mountains. Third, because the western economy was not fully developed, farmers depended on barter, and whiskey constituted the only item suitable for that activity. Finally, the West was "truly a country of distress and woe subject to all the evils of

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[17]Armstrong, as quoted in Jensen, The New Nation: A History of the United States During the Confederation, 1781-1789, 357.

the late war . . . a war that had continued [with western Indians for] seven years since the rest of the continent has been at peace."[18]

Eastern political leaders recognized western problems and pointedly blamed interior residents for many of those difficulties. In his diary Washington confided that Kentuckians "deny . . . what the Officers on the No[rth] W[es]t side of the River assert--viz.--that hostilities are always commenced by the People of the Kentucky District."[19] Considering Washington's frontier experiences, there can be little doubt who the general chose to believe. In his response to Alexander Hamilton's report of excise-related violence, Washington best summarized the eastern view of western unrest:

> Such conduct in <u>any</u> of the Citizens of the United States, under <u>any</u> circumstances than can be well conceived, would be exceedingly reprehensible; but when it comes from a part of the community for whose protection the money arising from the Tax was principally designed, it is truly unaccountable, and the spirit of it much to be regretted.[20]

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[18]Brackanridge, "Thoughts on the Excise Law," <u>National Gazette</u>, 9 February 1792, reprinted in Daniel Marder, ed., <u>Incidents of the Insurrection by Hugh Henry Brackanridge</u> (New Haven, Ct., 1972), 47-48. Brackanridge also cited the uncertainty of land titles that remained from the earlier boundary dispute between Virginia and Pennsylvania.

[19]Washington, 25 January 1790, <u>The Diaries of George Washington</u>, Jackson and Twohig, eds., 6, 15.

[20](original emphasis), Washington to Hamilton, 7 September 1792, in John C. Fitzpatrick, ed., <u>The Writings of George Washington from the Original Manuscript Sources, 1745-1799</u> (Washington, D.C., 1939), 32: 143.

Tax opponents retorted that the issue of frontier defense had never been raised during the congressional debate over the excise. To bring up the issue after the fact revealed another sign of federal duplicity.[21] Frontier defense was in itself a sensitive issue. Members of the regular army routinely blamed their difficulties in the Ohio region on the cowardice and ineptitude of western militias. Kentucky's militia leaders returned the favor, insisting that no one in the regular army understood Indian warfare as well as the Kentucky Mounted Volunteers.[22]

Whiskey added to the seemingly chronic instability of the northwestern frontier. Anglo-American Indian traders routinely used the ubiquitous frontier liquor to facilitate the purchase of everything from furs to farmland. Drunken warriors were just as prone to violence as drunken frontiersmen, with murder often the unintended result. On those occasions when the killer and his victim belonged to different races retaliatory raids became the usual

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[21]Slaughter, The Whiskey Rebellion, 105.

[22]Despite the prideful assertion of their wilderness prowess most historians agree that the militia's ability did not match its reputation. For an analysis of combined operations of the regular army and the militia north of the Ohio see, Paul David Nelson, "General Charles Scott, The Kentucky Mounted Volunteers, and the Northwest Indian Wars, 1784-1794," Journal of the Early Republic, 6 (Fall, 1986), 219-251.

response.[23] White settlers believed such spur-of-the-moment raids to be an integral part of proper Indian fighting. Frontiersmen did not trust the more methodical strategies of the regular army and were unwilling to concede the authority of the federal government in frontier defense except as an auxiliary to their own efforts.[24] Revolutionary war veteran, George Rogers Clark, wrote that he agreed with other western residents "that those at the helm of affairs on [the eastern] side of the mountains either knows nothing about their business or wish to prolong the [Indian] war."[25] Even though the central government committed almost eighty percent of its operating budget to western defense, frontiersmen would not be satisfied until they felt safe.[26] Washington believed that peace would elude the frontier as long as western settlers willingly disobeyed the federal government.

Regardless of his personal feelings, the ever-pragmatic Washington recognized the dangers that faced his

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[23]White, The middle ground: Indians, empires, and republics in the Great Lakes region, 1650-1815, 423-424, 498-499. Whiskey also contributed to violence by upsetting traditional Indian society. As the chief's authority dwindled young men were more apt to ignore his counsel especially in matters of war.

[24]Nelson, "Scott and the Northwest Indian Wars," 226-227.

[25]George Rogers Clark to Col. Jonathan Clark, 11 May 1792, in George Rogers Clark Papers, Virginia Historical Society.

[26]Slaughter, The Whiskey Rebellion, 94.

administration in subduing opponents of the whiskey tax. If the new national government resorted to force too quickly, it would play into the hands of those Americans who had opposed the adoption of the Constitution just a few years earlier--especially those who feared the establishment of a standing army.[27] Worse, were an army raised and then defeated at the hands of backcountry insurgents, the damage to the prestige and viability of the government would be incalculable. Most members of the administration readily conceded the second possibility: the devastating defeats suffered by Generals Harmar and St. Clair at the hands of the northwestern Indians had dealt a harsh blow to the army's self-esteem.[28] Hamilton arrogantly answered the first concern with his insistence

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[27]Washington to Hamilton, 16, September 1792, Fitzpatrick, Writings of Washington, 32: 152-153. Washington insisted that the use of "the regular Troops [be] avoided if it be possible, . . . otherwise there would be a cry at once, 'The Cat is let out; we now see for what purpose an Army was raised.'" Ibid.

[28]Harmar's defeat in the fall of 1790 was tempered somewhat by the general's sensible retreat after the Indians' successful ambush of Colonel John Hardin's detachment of Kentucky militia. During the retreat, the Indians repeated their feat when they routed 400 men sent out under the command of Major Wyllys. The following year on 4 November, General St. Clair's army of over 1,400 men was ambushed in their camp. Despite numerical superiority and defensive advantages, St. Clair lost over 600 killed and another 300 wounded. Indian casualties were minimal. Nelson, "Charles Scott and the Northwest Indian Wars," 226, 234. Frontier militiamen participated in both campaigns and were, Nelson argues, at least partially responsible for the lack of federal success. See also Slaughter, The Whiskey Rebellion, 94-95, 106-107, 119.

that he "had long since learned to hold popular opinion of no value."[29] As for Washington's second apprehension, the answer looked equally clear: any federal forces raised must be of sufficient size and strength to render defeat virtually impossible.

Others factors helped tilt Washington to Hamilton's viewpoint. Certainly, the president's familiarity with the region and his generally negative opinion of its people shaped his assessment of the rebellion in western Pennsylvania. The rough tactics of the Whiskey rebels did not help their cause with a gentleman who valued order and propriety above all else. Still, the Washington administration's decision to make an example only of western Pennsylvania when almost the entire backcountry remained unyielding in its opposition to the excise deserves some explanation. Only those areas with the most virulent animosity could suitably be targeted for federal intervention, thereby limiting any administration reprisals to western Pennsylvania, western North Carolina, and Kentucky. For a time Hamilton had considered mounting an expedition against western North Carolina, going so far as to inquire of Edward Carrington how much aid the Virginia

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[29]Hamilton to Washington, 11 November 1794, in Harold C. Syrett, ed., The Papers of Alexander Hamilton (New York, 1972), 17:366. While Hamilton wrote this letter in late 1794, he was clearly expressing long-held views. In the same letter Hamilton expressed his hope to punish any "characters fit for examples.

militia could provide against its southern neighbor. Washington vetoed the proposed expedition, in part because of the tactical difficulties inherent in undertaking a campaign into the North Carolina mountains.[30]

Kentucky presented a special problem. In most of the southern states only the western districts had refused to pay the tax, thereby allowing federal officials to appeal for the support of eastern politicians, who controlled the state government. Even with some foot-dragging, there was always enough cooperation to allow the government to cast opposition to the tax as a local phenomenon. In Kentucky, by contrast, not only had distillers resisted complying with the federal law, but the entire state had almost completely ignored the statute. If the administration had attacked Kentucky it would have brought to life one of the greatest fears of the anti-federalists--a federal army being used to attack one of the sovereign members of the Union.[31] Furthermore, it became almost impossible to get anyone to serve as inspector of the excise in either

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[30]Crow, "The Whiskey Rebellion in North Carolina," 19.

[31]In a speech to the Constitutional Convention Patrick Henry described the fearful day when "the President, in the field, at the head of his army, can prescribe the terms on which he shall reign master, so far that it will puzzle any American ever to get his neck from under the galling yoke." Henry, 7 June 1788, in Herbert J. Storing, ed., The Complete Anti-Federalist Papers, vol. 5, Maryland and Virginia and the South (Chicago, Ill., 1981), 225.

Kentucky or western North Carolina. With no one trying to collect the tax--thereby providing a target for distillers' outrage--active opposition to the excise soon died down.[32] While the federal government still suffered the lost revenue, it no longer had the clear focal point of citizens' abuse of government officials at which to direct its reprisal.

Logically, it would seem that Virginia's nascent Republican movement would have spoken out more strongly against the administration. It did not. Aside from some criticism over specific tactics, Virginia Republicans, politically embarrassed by their earlier support of French Minister Edmund Genet and stung by Federalist criticisms of democratic societies, denounced Pennsylvania's Whiskey Rebels.[33] Congressman John Page spoke for other Virginia republicans when he solemnly declared "I obey the call of

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[32]Slaughter, The Whiskey Rebellion, 151-152.

[33]Richard R. Beeman, The Old Dominion and the New Nation, 1788-1801 (Lexington, Ky., 1972), 134-137. Beeman asserts that "backcountry residents of Virginia showed no desire to aid the insurgents in neighboring Pennsylvania," but Slaughter disagrees. Ibid., and Slaughter, The Whiskey Rebellion, 3, 118-120, 151, 188, 206-207. Their difference of interpretation may be explained by the Washington administration's seeming indifference to all protest outside Pennsylvania. Americans, primarily antifederalists and foes of the Washington administration, had established Democratic societies out of their enthusiasm for the French Revolution. Edmund Genet, the French Minister to the United States, took an active role in encouraging these societies. Federalists very quickly equated the societies with all the excesses of the French Revolution.

my General with Alacrity." After promising to defend freedom of speech and other civil liberties, Page swore that he would "oppose as the deadly enemy of the Republic the man who will oppose the execution of our laws by Force of Arms."[34] When Hamilton organized the forces of reprisal, Virginia Governor Henry Lee stood in for Washington as commander-in-chief of an army of almost 13,000 men, including John Page and 3,300 other Virginians--a force comparable in size to Washington's continental army.[35]

Two federal forces operated in the West in the late summer and fall of 1794. As Hamilton's ponderous excise army slowly made its way across the Allegheny Mountains, General Anthony Wayne led a much smaller contingent of just over 3,000 men against the Indians of the Northwest Territory. At the Battle of Fallen Timbers, Wayne's army completely overwhelmed an equivalent Indian force.[36] Meanwhile, in western Pennsylvania the much larger army futilely searched for a band of rebels that seemed to exist only in the mind of Alexander Hamilton. The few radical

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[34]John Page to St. George Tucker, 22 September 1794, in Slaughter, The Whiskey Rebellion, 135.

[35]Ibid, 212, 274, no. 17. Washington's revolutionary command peaked at 18,472 "present and fit for duty." Often the general's forces numbered below 10,000. Don Higginbotham, The War of American Independence: Military Attitudes, Politics, and Practice, 1763-1789 (New York, 1971), 390.

[36]Nelson, "Scott and the Indian Wars," 247-248.

ring leaders had already slipped away and those left behind tended to be more moderate men who, while they hated the whiskey tax, had never been willing to engage in armed rebellion.[37] Hamilton arrested a few miscreants, but Philadelphia juries acquitted all but two. Washington himself pardoned these two unfortunates, one being a "simpleton," the other "insane."[38]

When Washington left the presidency in 1796, the West stood more squarely attached to the nation than ever before. After John Adams's one term interlude, Thomas Jefferson continued Washington's legacy with the Louisiana Purchase and the establishment of an American claim to the Pacific Northwest through the handiwork of two fellow Virginians, Meriwether Lewis and William Clark. Jefferson considered the West so significant to the nation's well-being that he originally organized that famed expedition as a covert mission to explore a foreign territory over which the United States had neither jurisdiction nor claim.[39]

In many ways Jefferson's fascination with western exploration hearkens back to an earlier time. Europeans had searched for a passage either through or around the

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[37]Slaughter, The Whiskey Rebellion, 205-220.

[38]John C. Miller, The Federalist Era, 1789-1801 (New York, 1960 [1975 reprint]), 159.

[39]John Logan Allen, Passage Through the Garden: Lewis and Clark and the Image of the American Northwest (Urbana, Ill., 1975), 69-72, 104.

Americas since the sixteenth century. Unable to find an oceanic northwest passage, explorers next turned to the rivers and interior lakes of North America. Early Virginians, for example, had hoped that the rivers flowing west from the Blue Ridge emptied into the Pacific. Eighteenth-century Virginians had eagerly anticipated the day their settlements would reach California. In the early 1750s Peter Jefferson, the future president's father, had planned to explore up the Missouri River and on to the Pacific. Nothing came of it except the possible inspiration of Peter's son, Thomas. The younger Jefferson proposed several western treks in the first decade after the Revolution, but all came to naught. As president, Jefferson finally had the authority and the resources to see his dreams come to fruition.[40]

The Lewis and Clark expedition succeeded in almost all respects. The captains successfully crossed the continent where none had before. Their careful observations of cultures and populations of native peoples, as well as the flora, fauna, and geography along their route, greatly expanded scientific knowledge. They maintained good relations within their party and with the Indian nations whose land they crossed. Jefferson had also hoped--and in light of geographic understanding of the time, expected--the expedition to discover "the most direct & practicable

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[40]Ibid., 60-72.

water communication across this continent for the purposes of commerce." Jefferson anticipated that "trade [could] be . . . conducted throughout the Missouri . . . more beneficially than by the circumnavigation now practised."[41] Since Lewis and Clark failed to find a convenient trade route through the precipitous Rockies, Jefferson had to settle for the commercial key to the entire Mississippi Valley, New Orleans.

Anglo-Americans had coveted New Orleans since the first squatters slipped into Kentucky. Aware that whoever controlled the port also dominated the entire Mississippi Valley, the independent United States paid close attention to the lower valley. The Spanish had opened the Mississippi to American navigation in 1795, and thereby opened the trans-Appalachian West to economic development beyond mere subsistence farming and small scale distilling. When the rickety Spanish empire secretly transferred Louisiana to Napoleonic France, it also revoked the American right of deposit at New Orleans. Even those Americans who had once favored keeping the Mississippi temporarily closed to American shipping realized that this new situation was both militarily and economically unacceptable.[42] Fortunately, American negotiators

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[41]Jefferson's instructions to Lewis and Clark, in ibid., 106-107.

[42]Drew McCoy, The Elusive Republic: Political Economy in Jeffersonian America (Chapel Hill, N.C., 1980 [reprint New York, 1982]), 196-197.

capitalized on the French emperor's war woes, consummating the grandest real estate deal in history. Jefferson ignored his constitutional misgivings and ordered the purchase.[43] Had his negotiators failed at the bargaining table, Jefferson hinted that he would consider war an appropriate response.[44]

But already other Virginians now questioned the wisdom of such expansion. John Randolph bluntly labeled the Louisiana Purchase "the greatest curse that ever befel us."[45] The famed Williamsburg jurist, St. George Tucker, while agreeing on the need to control the Mississippi River, argued that the United States should rule the Louisiana Purchase as a province, rather than as an equal member of the union.[46] Along with Jefferson, Tucker believed the United States should limit settlement in the

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[43]Jefferson initially assumed that the "confederation is certainly confined to the limits established by the revolution. The general government has no powers but such as the constitution has given it; and it has not given it a power of holding a foreign territory, and still less of incorporating it into the Union. An amendment of the Constitution seems necessary for this." Jefferson to John Dickinson, 9 August 1803, in Paul Leicester Ford, ed., The Writings of Thomas Jefferson 10 vols. (New York, 1897), 8:262.

[44]Ibid., 117-118.

[45]John Randolph, as quoted in Russell Kirk, Randolph of Roanoke: A Study in Conservative Thought (Chicago, Ill., 1951), 144.

[46]Sylvestris [St. George Tucker]. Reflections on the Cession of Louisiana to the United States (Washington, D.C., 1803; reprint, Tarrytown, N.Y., 1931).

new territory for a number of years, at least until all vacant lands east of the Mississippi had been occupied.[47] Louisiana's seemingly foreign population so troubled Jefferson that he proposed to settle at public expense "30,000 volunteers, Americans by birth," in the newly acquired territory. In return for land bounties, these new settlers were required to give "two years of military service." The influx of settlers would also "entitle the territory to become a state, would make the majority American, and make it an American instead of a French State."[48] Despite the president's worries, the French Louisianians never challenged the sovereignty of the United States. Instead his former vice-president, Aaron Burr, and the duplicitous General James Wilkinson posed the most serious challenge to the territorial integrity of the lower Mississippi Valley.

Burr, together with Wilkinson, governor of the Louisiana territory and commander of the United States army west of the Appalachians, contrived to raise a private army to invade Spanish Texas, seize the Louisiana Purchase, and

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[47]McCoy, The Elusive Republic, 200.

[48]Jefferson as quoted in D. W. Meinig, Continental America, 1800-1867 vol. 2 of The Shaping of America: A Geographical Perspective on 500 Years of History (New Haven, Ct., 1993), 15. Jefferson's insistence on "American born" settlers ignores the fact that most of Louisiana's French population had been born in the province. His attitudes are reminiscent of his earlier stated views on European immigrants settling in the Northwest Territory. See Chapter five.

encourage the secession of Kentucky and Tennessee. The vice president found an appropriate ally in Wilkinson. The General had for years been funneling information to the Spanish and, on occasion, the British. During the Lewis and Clark expedition, for example, Wilkinson had notified the Spanish government of their itinerary and suggested several ways to capture the exploring party. In other words, the commander of arguably the most strategic and sensitive area of the United States was a traitor and a spy. By joining forces with Burr, Wilkinson became, in effect, a double agent. For he was now prepared to further betray his own nation, the United States, as well as his employers, the Spanish. Wilkinson's final act of trickery was against Burr. When he became convinced that their plot would not work, the general had his soldiers arrest Burr and pack him off to Washington to be tried for treason.[49]

Fortunately, most of Jefferson's other appointees proved loyal, conscientious, public servants, especially the numerous Virginians that Jefferson appointed to the federal service.[50] Thanks to the inclusive nature of

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[49]Donald Jackson, Thomas Jefferson & the Stony Mountains: Exploring the West from Monticello (Urbana, Ill., 1981), 242-257.

[50]In addition to Meriwether Lewis and William Clark, William C. C. Claiborne, governor of first Mississippi and then Orleans Territories, is a good example of Jefferson's judge of character. See Marion Nelson Winship, "The Territorial Aspirations of William Charles Cole Claiborne: A Western Success Story from the Jeffersonian Empire." Paper presented at the Seventeenth annual meeting of the Society for Historians of the Early American Republic, 21 July 1995.

American citizenship, individual Virginians enjoyed more extensive opportunities outside their native province than did their colonial fathers. Many were appointed as territorial officials and judges during the Virginia Dynasty. Over two hundred native-born Virginians were subsequently elected to Congress by other states.[51] While they still honored the state of their birth, the Old Dominion no longer enjoyed their exclusive affections. For example, while Sam Houston fondly remembered his birth place in the Shenandoah Valley of Virginia, most Americans, associate him completely with Texas.[52]

The Old Dominion's apparent lock on the presidency temporarily alleviated some of the more general apprehensions held by Virginia's increasingly conservative nineteenth-century eastern elite. However, Virginia's support of the national government required another subtle, hidden price that would have shocked the Anglo-Virginians of George Washington's day--the devaluation of Virginia citizenship. Although the question was not firmly decided

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[51]David Hackett Fischer and James C. Kelly, Away, I'm Bound Away: Virginia and the Westward Movement (Richmond, Va., 1993), 115.

[52]This out-migration had been going on since the Revolution. Andrew Dunscomb, in charge of settling accounts between the United States and the veterans of the Virginia Line, complained that "one half, if not two thirds of the officers are absent in the Southern States, and the Western Country." Dunscomb to John Pierce, 22 April 1784, in Andrew Dunscomb's Letterbook, Virginia Historical Society.

for some time, circumstances in the early republic tilted the scales toward a clear superiority of federal citizenship over state citizenship. In disputed districts, such as around the forks of the Ohio, it became an easy matter for American citizens to challenge the pretensions of either Virginia or Pennsylvania depending on their individual interests.[53]

The older concept of a primary state citizenship gave way slowly. That national citizenship existed at all is due in part to Virginia's cession of its lands northwest of the Ohio. Following the advice of George Washington and James Monroe, Congress placed the new national domain under firm federal control. The Ordinance of 1787, through its creation of an inherently inferior territorial government and through its six articles of compact, firmly established that under certain circumstances, the power of the nation--including the value of its citizenship--would be superior to that of states. Historian Edmund Randolph implicitly realized that the adoption of the new constitution precluded the continuance of the states' separate identities. In his own unpublished history of Virginia he

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[53]In 1779 Washington himself had urged local residents there to embrace the common cause of the Revolution instead of petty state rivalries. See Peter Onuf, The Origins of the Federal Republic: Jurisdictional Controversies in the United States, 1775-1787 (Philadelphia, 1983), 64-65.

focused over half of his writing on the sixteenth century, thereby "establishing Virginia's unique past."[54]

Virginians celebrated the new freedoms available to them in the early republic. Whether for reasons of political or economic opportunity, Virginians in flood tide numbers began to desert the commonwealth. Virginians who went west, even as they selectively celebrated their Virginia heritage, also withdrew their wealth and personal investment from Virginia and gave it instead to their adoptive homes. John Randolph lamented that Virginia's aristocracy had "dispersed from St. Mary's to St. Louis" while those who remained behind could only "sink into obscurity."[55] In less charitable moments, he also referred to Kentucky as "the Australia of Virginia."[56] Of course, many immigrants tried to recreate the cultures of the Old Dominion in their new home. Some of Illinois' Virginia immigrants supported the 1823 movement to legalize slavery in that state. But they were successfully opposed by Illinois' governor, Edward Coles, another former Virginian who had left the Old Dominion for the express purpose of

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[54]Randolph History of Virginia, xxxi.

[55]John Randolph, as quoted in Russell Kirk, John Randolph of Roanoke: A Study in American Politics (Indianapolis, Ind., 1978), 197.

[56]John Randolph, as quoted in Russell Kirk, Randolph of Roanoke: A Study in Conservative Thought (Chicago, 1951), 145.

legally freeing those slaves he had inherited.[57] When Coles returned to the East, he tellingly settled--not in his former home of Virginia--but in the free state of Pennsylvania.

Nathaniel Beverley Tucker, son of St. George Tucker, also journeyed west--relocating to Missouri around the same time Edward Coles moved to Illinois. Unlike Coles, Tucker was unwilling "to live in any state which was not an emanation, & as it were a part of [Virginia]."[58] Tucker aspired to create "a true Virginia settlement."[59] He sanguinely expected Missouri to "follow . . . the Virginia model," a model he "admirably contrasted with the wanton freaks of democratic despotism now . . . in Kentucky."[60] Unfortunately, in Tucker's view, his attempts to "introduce as much as possible of [Virginia's] spirit and character" into the new state were not entirely successful--a failure clearly evidenced by the willingness of Missourians to embrace the apostacy of Henry Clay's American system. Another ex-Virginian, Clay did not glorify his birthplace

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[57]Peter Onuf, Statehood and Union: A History of the Northwest Ordinance (Bloomington, Ind., 1987), 123-125.

[58]Nathaniel Beverley Tucker to St. George Tucker, 8 February 1818, as quoted in Beverley D. Tucker, Nathaniel Beverley Tucker: Prophet of the Confederacy, 1784-1851 (Tokyo, 1979), 174.

[59]Ibid., 181.

[60]Tucker to John Randolph, 21 September 1817, as quoted in ibid., 184.

as did Tucker. After a decade in Missouri, Tucker still considered himself to be "entirely Virginian." His feelings for the Old Dominion easily overwhelmed his attachment for his new home in Missouri, or to the nation that united the two.[61] Not surprisingly, Tucker returned to Virginia in January 1833.

Joseph Glover Baldwin, who grew up in the Valley towns of Winchester and Staunton, left the Old Dominion in 1836.[62] Despite his long career in law and politics, Baldwin is best known for his humorous sketches of the old southwestern frontier, The Flush Times of Alabama and Mississippi.[63] His description of the Virginia emigré could have easily been written with Nathaniel Beverley Tucker in mind. "Patriotism with a Virginian is a noun personal." Baldwin continued that the Virginian "never

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[61]Tucker to Randolph, 16 May 1825, as quoted in ibid., 207. Tucker candidly admitted that he felt far more loyalty to Virginia and its constitution than to any federal institution.

[62]For a brief biography of Baldwin see, Richard E. Amacher and George W. Polhemus, eds., The Flush Times of California by Joseph Glover Baldwin (Athens, Ga., 1966), 65-78.

[63]Baldwin, The Flush Times of Alabama and Mississippi: A Series of Sketches (New York, 1853; reprint, Gloucester, Mass., 1974). Robert Lewis, person secretary to President Washington, agreed. The diarist believed "Virginians as clannish as any people on earth--the Scotch not excepted." [Robert Lewis], "Minutes of a Journey from Pine Grove in Stafford County to the State of Ohio and Kentucky & back again," in the Lewis Family Papers, Virginia Historical Society, 4 May-9 June 1810, page [40].

gets acclimated elsewhere; he never loses citizenship to the old Home. . . . The right of expatriation is a pure abstraction to him. He may breathe in Alabama, but he lives in Virginia."[64] Such unswerving attachment to the Old Dominion did not keep Virginians at home. In describing the quantity and quality of Virginia's outmigration, Baldwin asserted that Virginians should be proud of their role in the new settlements "from Cape May to Puget Sound."[65] At the same time he correctly linked such bragging rights with Virginia's loss of "wealth and material aids."[66] When, in the mid-nineteenth century, Senator Anthony Kennedy of Maryland recalled the settlement of Alabama and Mississippi, he maintained that Virginia had "not yet recovered from it."[67]

Unfortunately for Tidewater planters, their western brethren did maintain one Virginia tradition--tobacco culture. By 1839 production in the fertile lands of Kentucky and Tennessee easily surpassed that of the Old Dominion's tired acres. Ignoring their own increased productions, antebellum Virginians blamed the glutted tobacco market on western growers. The legislature

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[64]Ibid., 52-53.

[65]Ibid., 57.

[66]Ibid.

[67]William Barney, The Road to Secession: A New Perspective on the Old South (New York, 1972), 140.

attempted to disparage western tobacco by requiring that hogsheads of trans-Allegheny leaf be labeled as "WESTERN TOBACCO." The discrimination did not work as the foreign markets of southern and western Europe came to prefer the western product.[68]

Even those Virginians who had once based western policy on western needs (out of the beliefs that western needs paralleled their own) soon grew to fear the potential threat the West represented to Virginia. In the early nineteenth century, Thomas Jefferson and James Madison, after witnessing the demise of slavery in the North and the South's increasing marginalization, advocated the diffusion of slavery rather than its exclusion from the West, as he had proposed with the Ordinance of 1784.[69]

In his later years, this former friend of the West recalled how the "wild Irish . . . had gotten possession" of the Appalachian frontier "forming a barrier over which [Virginians had not] ventured to leap."[70] This perceived barrier seemed to grow over the years--wrecking several attempts at constitutional reform in the Old Dominion.

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[68]Joseph Clarke Robert, The Tobacco Kingdom: Plantation, Market, and Factory in Virginia and North Carolina, 1800-1860 (Durham, N.C., 1938), 147-150.

[69]John Chester Miller, The Wolf by the Ears: Thomas Jefferson and Slavery (New York, 1977), 234 and Drew McCoy The Last of the Founders: James Madison....

[70]Jefferson to William Wirt, 5 August 1815, in Albert Ellery Bergh, ed., The Writings of Thomas Jefferson (Washington, D.C., 1907), 13:335.

Eastern Virginia's political leaders were gripped by an overriding fear of what the western Virginia might do if it ever secured real power. John Randolph argued that the United States was the first nation "that ever acquired provinces, . . . not for us to govern, but that they might govern us,--that we might be ruled to our ruin by people bound to us by no common tie of interest or sentiment."[71] Although in this case Randolph aimed his barbs at the Mississippi Valley, he soon brought similar charges against those Virginians who lived to the west of the Blue Ridge.

During the Virginia Constitutional Convention of 1829-1830, eastern delegates carefully cataloged the various sins of western Virginia. In John Randolph's parental analogy, "Virginia was left alone and unsupported, unless by the feeble aid of her distant offspring, Kentucky."[72] Randolph's familial language is telling in itself. As Dickson D. Brice, Jr. maintains "Virginia's traditional

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[71]Randolph to Josiah Quincy, 18 October 1813, as quoted in Kirk, Randolph of Roanoke: A Study in Conservative Thought, 145. As a strong supporter of states' rights, Randolph celebrated the Virginia and Kentucky Resolutions of 1798. These two resolutions were, however, the last significant political cooperation between Virginia and one of its western sister states in the mode envisioned by the revolutionary generation. This collaborative effort, however, says more about the prestige of Jefferson and Madison, who authored the resolutions, than any inherent view of common interests. Significantly, these two parallel documents were issued to protect local states' rights from a national threat, not to protect an overarching regional interest.

[72](emphasis added), Proceedings and Debates of the Virginia State Convention of 1829-1830, 315.

elite . . . needed a great deal of reassurance that ties of affection were being maintained and reciprocated among all members of the family."[73] Men such as Randolph saw nothing wrong with Virginia's old constitution "under which her great men had been nurtured" and the "old families flourished."[74] Both eastern Virginians and outsiders presumed that the extended family of Tidewater planters best exemplified the people, culture, and society of the Old Dominion. When delegate Philip P. Doddridge from Brooke County in the northern panhandle arose to speak in the convention in his "broad Scotch-Irish" accent he did not help cultivate any social or familial ties in the minds of the Tidewater tobacco lords.[75] Worse, in the view of eastern delegates, western Virginians had forgotten where their loyalties lay. During the War of 1812, some western counties had only reluctantly defended the threatened Tidewater.[76] Ignoring their filial responsibilities, these

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[73]Dickson D. Brice, Jr., The Rhetoric of Conservatism: The Virginia Convention of 1829-30 and the Conservative Tradition of the South (San Marino, Cal., 1982), 142-143.

[74]Jo[seph] G[lover] Baldwin, Party Leaders: Sketches of Thomas Jefferson, Alex'r Hamilton, Andrew Jackson, Henry Clay, John Randolph of Roanoke, including Notices of Many Other Distinguished American Statesmen (New York, 1855), 252.

[75]Merrill D. Peterson, Democracy, Liberty, and Property: The State Constitutional Conventions of the 1820s (Indianapolis, Ind., 1966), 331.

[76]Proceedings and Debates of the Virginia Convention, 136.

same western counties, like Kentucky, followed the teachings of the nationalist Henry Clay.[77] In their drive to level the mountains with internal improvements, the westerners doubtless intended to tax eastern planters into paupery.[78]

Despite the presence and modest growth of slavery in Virginia's western counties, some eastern delegates feared that western sectional interests would overwhelm even the common bond of slave ownership. Abel Parker Upshur argued that the East could not "calculate on the cooperation of the slave-holder of the West, in any measure . . . to protect [slave] property [because of] other interests which to the western slaveholder, are more important and immediate concern."[79] To Benjamin Leigh, "The west has not only no common concern with the east, but [has] a contrary

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[77]Benjamin Watkins Leigh to Littleton Waller Tazewell, 22 April 1825, as quoted in Robert P. Sutton, Revolution to Secession: Constitution Making in the Old Dominion (Charlottesville, Va., 1989), 67.

[78]Claude H. Hall, Abel Parker Upshur: Conservative Virginian, 1790-1844 (Madison, Wis., 1964) 57. Many elite Virginians, such as Washington and Jefferson, had favored internal improvements during the latter half of the eighteenth century. However, even then most support had been given to those improvements that would funnel trade from the West to the Chesapeake. During the early nineteenth century the eastern gentry were often willing to support similar schemes. They just as consistently opposed those western canals and turnpikes that were more local in nature.

[79]Abel Parker Upshur as quoted in ibid., 84.

or different interest."[80] Clearly, eastern planters no longer saw slavery as a possible bond to unite the otherwise regionally divergent interests of nineteenth-century Virginia.

Moreover, eastern conservatives defined Virginia differently in the 1830s from the way their colonial ancestors had during the previous century. Instead of trying to add new territory to the jurisdiction of the Old Dominion, the sons and grandsons of Virginia's founders seemed determined to reconceptualize the Old Dominion, making it smaller in the process. Instead of stressing political community, eastern conservatives now emphasized the predominance of cultural norms. When Philip Doddridge asked the fundamental question, "Who is the Commonwealth?" he realized that many of his eastern colleagues were unwilling to concede his belief that it was "the whole white population," regardless of wealth, landownership, or views on slavery.[81] John Randolph proudly pointed out that originally, "the Commonwealth of Virginia, was throughout, a slave-holding commonwealth" and wished "to God" that were still the case. He continued that "Virginia was then not only a slave-holding, but a tobacco-planting

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[80]Proceedings and Debates of the Virginia Convention, 160.

[81]Philip P. Doddridge, as quoted in Peterson, Democracy, Liberty, and Property, 280.

commonwealth."[82] Apparently in Randolph's mind, the slaveowner who operated a saltworks along the Kanawha River or raised wheat in the Shenandoah Valley merited no consideration.

So strong was Randolph's aversion toward the West that during the Constitutional Convention of 1829-1830 he caustically reminded his fellow delegates that at one time there had been "no West, but a few scattered settlements beyond the mountain."[83] The renegade Randolph did not stand alone in his lament. Benjamin Leigh accused the western reformers of attempting a "most crying injustice," and then, tellingly, closed his argument with an appeal to "all true Virginians" to preserve the 1776 constitution.[84] The eastern conservatives' equation of ideology with culture and section led them to vilify Robert B. Taylor of Norfolk, for his "treason to the East," simply because he favored constitutional reform.[85]

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[82]Proceedings and Debates of the Virginia Convention., 315.

[83](original emphasis), John Randolph, ibid., 292-293, 315.

[84]Benjamin Watkins Leigh, as quoted in Revolution to Secession, 85.

[85]Hugh Blair Grigsby, as quoted in Brice, Rhetoric of Conservatism, 33-34.

Epilogue:

Drawing the Boundaries Around a New Virginia

Between the adoption of the 1776 state constitution and the Constitutional Convention of 1829-30, the Old Dominion's western claims had steadily diminished. Virginia's political boundaries had apparently stabilized in 1792, but cultural divisions within the now-truncated state continued to manifest themselves. An examination of the internal breakdown of votes on a series of issues reveals that in the early nineteenth century the Tidewater and Piedmont usually voted in opposition to those counties located west of the Allegheny Mountains.[1] The eastern counties, thanks to their built-in representational advantage, typically won all such sectional votes. The Shenandoah Valley usually voted with the West, but not always. From both a cultural and political standpoint, it is helpful to view the Valley as a "middlecountry . . . between an older society east of

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[1]Charles Henry Ambler, Sectionalism in Virginia From 1776-1861 (1910; reprint, New York, 1964), 172, 199, 217.

the Blue Ridge and a younger, newer society emerging in western lands."[2]

Politically, the Valley's representatives tended toward a middle position between the extremes of the Tidewater and the northwestern counties. Like other Virginians who lived west of the Blue Ridge, the Valley's citizens resented the biased apportionment of the old constitution and most would have also preferred that slavery be abolished eventually. But Valley voters did not place as much emphasis on either issue as did those Virginians living in the northwest counties. In 1816, and again in 1824, western counties had sent representatives to a convention in the Valley town of Staunton to protest Virginia's increasingly inequitable legislative apportionment system.[3] Despite their shared dissatisfaction, Valley residents were only willing to follow their western brethren up to a point. As the Winchester Republican editorialized in 1830, if Virginia were divided "into two commonwealths" the "condition [of] the Valley" would be "infinitely worse than at present." No advantage could be gained by attaching the Valley to a new state "whose interest and whose trade would all go westward." Rather than a new Appalachian state, the

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[2]Kenneth E. Koons and Warren R. Hofstra, "After the Backcountry: Themes and Issues," unpublished paper, 8.

[3]Peterson, Democracy, Liberty, and Property, 273-274.

writer suggested that it "would be least injurious to the Valley and the state at large . . . to part with the northwestern counties."[4]

While slavery remained less common in the Valley than east of the Blue Ridge, its continued presence there assured that Valley residents were more familiar with the institution than were the people of northwestern Virginia. Not only did non-slaveowners routinely see the bondsmen of their wealthier neighbors toiling in the fields, but they could easily hire an extra hand when their workload required it. Valley residents appear to have become more comfortable with slavery in much the same way that once-abolitionist Protestant denominations made their peace with the institution.

During the early nineteenth century, the Valley continued to be seen as a special place--somewhat apart from the rest of Virginia. Fittingly, in 1833 Samuel Kercheval published A History of the Valley of Virginia, the first history of a portion of the Old Dominion. Up until Kercheval's time, almost all Virginia histories had borne some variation of the title "A History of Virginia." Yet in Kercheval's mind and those of his readers, the Shenandoah Valley now became the first self-conscious section of the Old Dominion to warrant its own history.

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[4]Winchester Republican, 3 December 1830, as quoted in Ambler, Sectionalism in Virginia, 174.

But at the same time that Kercheval set the Valley apart, other Virginia writers were claiming it as their own as an appropriate setting for their Cavalier adventures. The plot of George Tucker's The Valley of the Shenandoah revolves around attempts of the "venerable and aristocratic Grayson family" to reestablish its fortunes in the Valley's fertile acres.[5] In 1806 Tucker had, himself, moved from Richmond to Frederick County. Two years later he wrote that he "should have been so much more advanced in . . . profession, so many thousands richer in purse, and so many years younger in health and ambition" had he made the move sooner.[6]

Despite Kercheval's History and Tucker's historic novel, eastern Virginians still tended to see Virginia's western counties as a place without history. At the founding of the Virginia Historical and Philosophical Society in Richmond in 1831, those attending were reminded that "Virginia, the lower part of it in particular, may be supposed to be particularly rich in the materials of Revolutionary history." Ignoring the exploits of George Rogers Clark, the Over the Mountain

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[5]Ritchie Devon Watson, Jr., The Cavalier in Virginia Fiction (Baton Rouge, La., 1985), 71-79.

[6]George Tucker to St. George Tucker, 9 October 1808, as quoted in Donald R. Noble, Jr., ed., The Valley of the Shenandoah, or Memoirs of the Graysons (Chapel Hill, N.C., 1970), xi. George Tucker was Nathaniel Beverley Tucker's cousin.

Men, and the countless battles fought against Great Britain's Indian allies--not to mention a century of settlement--the same speaker only mentioned western Virginia for its potential "sites of mineral wealth."[7]

The Valley's middle character was plainly reflected in its views toward secession. Most residents opposed such a radical remedy, and the Valley's delegates to the secession convention voted 17 to 10 against the motion to secede. But once secession became inevitable, the Valley clung to the Old Dominion. In contrast, the representatives of trans-Allegheny Virginia secretly hurried out of Richmond immediately after the vote and reconvened in northwestern town of Clarksburg, where they affirmed their loyalty to the union and began the tortuous process of formally rending the Old Dominion. In the various plans of devising the proto-state's boundaries, the delegates candidly assessed the attachment of various counties to Virginia specifically and, more generally, to the Confederate cause. Dennis B. Dorsey of Monongalia County, an early advocate of separate statehood, opposed any attempt to include the southwestern counties in the new state. The citizens of Washington County, whose ancestors had attempted to leave Virginia in favor of the state of Franklin, were now too

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[7]Keynote address of George Tucker, 29 December 1831, reprinted in The Virginia Magazine of History and Biography (1959), 7-8.

closely allied with the Commonwealth. As Dorsey noted, "their interests are the same as hers . . . [for they are] connected with Eastern Virginia by railroads."[8] His colleague John S. Carlile agreed: "All the rest and residue of the State is bound by iron bands and commercial ties to the Eastern part of the State, and can never have any commercial interests or intercourse with us."[9]

Such realistic assessments appear to have been completely absent from the minds of eastern Virginia's political leaders. Amid their concern that western delegates would tamper with slavery either through taxation or legislation, members of the eastern elite also feared something far more threatening--an anxiety that would have been easily recognized by their eighteenth-century forebears. By charging that the western delegates were a menace to their autonomy, they were symbolically linking these men of the western waters with British ministers, New England merchants, tobacco

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[8]Dennis B. Dorsey, as quoted in Kenneth W. Noe, Southwest Virginia's Railroad: Modernization and the Sectional Crisis (Chicago, 1994), 2, and Otis K. Rice and Stephen W. Brown, West Virginia: A History (Lexington, Ky., 1993), 121.

[9]Noe, Southwest Virginia's Railroad, 2. It is unclear whether or not eastern conservatives appreciated the role of internal improvements in binding the Tidewater and Piedmont to at least some parts of western Virginia.

factors, and others who had attacked the most valuable possession of Virginians--independence.

Unfortunately, in the process of defending their own liberty, eastern conservatives denied the same to Virginia's western residents. Frustrated by continual eastern obstructionism during the conventions of 1829-30 and 1850-51, western Virginians grew yet more insistent in their demands. The new state of West Virginia--scarcely the revolutionary generation's ideal of a closely allied sister republic--was the result. Sectional tensions were so strong in Virginia that it is conceivable that this split might have occurred even without the catalyst of civil war. As early as 1830 the editors of the Wheeling Compiler called for separation from Virginia. They issued their demand "as patriots of America," not as citizens of Virginia.[10] Ironically, the internal improvements opposed by so many eastern conservatives limited the appeal of the separate state movement to a smaller area than might have been the case just a few decades earlier.

The war that successfully drove a wedge between trans-Allegheny Virginia and the Tidewater at the same time helped to further cement the interests of eastern Virginia with the Valley and southwestern Virginia. The cauldron of war, by removing all options of compromise

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[10]Ambler, Sectionalism in Virginia, 173.

and making any middle ground untenable, more firmly bound the identities of the Valley and Southwest with eastern Virginia than more mundane circumstances ever could have. Recognizing the finality of a division that had loomed for decades, the now-truncated state of Virginia only seriously challenged its loss of the lower Valley counties of Berkeley and Jefferson.[11]

Virginia's Tidewater gentry had always placed the large planters at the pinnacle of Virginia society. During the eighteenth century they had optimistically believed that other immigrants to the Old Dominion would share that view. However, in the years after the Revolution it became increasingly clear to eastern conservatives that this would not be the case, for as Virginia extended its jurisdiction westward, it also lost much of its cultural and economic cohesion. In their ideological retrenchment during the early nineteenth century the eastern elite also narrowed their understanding of what encompassed Virginia, attempting to

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[11]The fate of these two lower Valley counties was hotly contested at the time of West Virginia's formation. They voted overwhelmingly to join the new state on 28 May 1863 by a combined vote of 903 to 9. Charges of voting irregularities notwithstanding, Congress approved their addition on March 6, 1866. The first popularly elected legislature in old Virginia challenged their inclusion and brought suit for their transfer back to old Virginia in the U.S. Supreme Court. The Court, however, ruled in West Virginia's favor.

impose a strict cultural definition of "the true Virginia." The political crisis of the Civil War, as it destroyed the state's unity, perpetuated their myth.

Appendix:

Explication of the Ordinance of 1787: Virginia and Western Territorial Government

> "The five States of the Northwest sent nearly a million soldiers into the war for the Union . . . It is this that make the birthday of Ohio another birthday of the nation itself. . . The Ordinance belongs with the Declaration of Independence and the Constitution. It is one of the three title-deeds of American Constitutional liberty."
>
> Senator George Frisbie Hoar[1]

The debate over the future of the West was formally resolved with the passage of the Ordinance of 1787, commonly known as the Northwest Ordinance. This ordinance set forth the guiding principles of United States territorial policy for the next century. At its most basic level the ordinance provided for a territorial government for the newly settled western regions. Though based on colonial principles, the territorial government was the first step to the granting of full statehood and inclusion of new states in the Union as equal members. At its most symbolic, the ordinance laid the foundation

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[1]Hoar, 1887, as quoted in Peter Onuf, Statehood and Union, 133.

for what Thomas Jefferson later called an expanding "empire of Liberty."[2]

The importance of the ordinance is often overshadowed by the far greater importance of the Constitution. The Constitutional Convention in Philadelphia easily outshone what remained of the Confederation Congress meeting in New York City. History has been far kinder to the attendees of the former than to those of the latter. But while historians have often trivialized the Confederation Congress in comparison to the Constitutional Convention, they have usually linked the Ordinance of 1787 with the Constitution in their interpretations. John Adams originally connected the two in importance; these "two authorities," he said, provided the means by which the organization of the republic might be concluded "with unexpected dignity."[3]

However, where Adams found "unexpected dignity," historian Staughton Lynd discovered a duplicitous

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[2]Drew R. McCoy, The Elusive Republic: Political Economy in Jeffersonian America (Chapel Hill, N.C., 1980), 203-204.

[3]John Adams, "A Defense of the Constitutions of Government of the United States of America," 1788, in Charles Francis Adams, ed., The Works of John Adams, Second President of the United States: With a Life of the Author, Notes and Illustrations 10 vols. (Boston, 1851), 6: 219.

bargain. Lynd suggests that the famed anti-slavery article of the ordinance merely represents one half of a purely sectional deal. In return for northern support of the three-fifths clause of the Constitution southern delegates at the Confederation Congress agreed to the banning of slavery in the Northwest Territories through Article Six of the ordinance.[4] Paul Finkelman adds to Lynd's argument by noting the inconsistencies between Article Six and the rest of the ordinance. He implies that with neither funds nor power provided for its enforcement, Article VI was little more than a cosmetic addition to an ordinance that otherwise fully protected the property of the slave holder.[5]

Other historians have focused on real, rather than chattel, property. Through comparison with Jefferson's Ordinance of 1784, Merrill Jensen portrayed the later ordinance as a victory for land speculators--with the prize being the millions of acres sold to the Ohio Company for as little as ten cents an acre. According to Jensen, it was the earlier ordinance that "provided for

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[4]Staughton Lynd, "The Compromise of 1787," in Lynd, Class Conflict, Slavery, and the United States Constitution (Indianapolis, Ind., 1967), 185-213.

[5]Paul Finkelman, "Slavery and the Northwest Ordinance: A Study in Ambiguity," Journal of the Early Republic, 6 (1986), 343-370.

democratic self-government of western territories, and for that reason land speculators and their supporters saw that it was abolished."[6]

Arthur Bestor described the Ordinance of 1787 as a repudiation of the liberal Jeffersonian principles of its predecessor. He considered similarities between the Ordinance of 1784 and its successor of 1787 to be mostly superficial.[7] Not all historians agreed. For Robert F. Berkhofer, Jr. the "1787 document [was] more an extension and replacement than a repudiation of the Ordinance of 1784."[8]

These interpretations may be partially resolved by looking, not at the two ordinances, but at the governments that framed them. The relative freedom granted by the Ordinance of 1784 was necessary because the government to which the potential new state would belong--the Confederation--was considered by its framers

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[6]Merrill Jensen, The New Nation: A History of the United States During the Confederation, 1781-1789 (New York, 1950), 354.

[7]Arthur Bestor, "Constitutionalism and Settlement of the West: The Attainment of Consensus, 1754-1784," in John Porter Bloom, ed., The American Territorial System (Athens, Ohio, 1973), 28.

[8]Robert F. Berkhofer, Jr., "Jefferson, the Ordinance of 1784, and the Origins of the American Territorial System," William and Mary Quarterly, 3d Ser., 29 (1972), 231-262.

to be appropriately weak. In December 1783, just before he submitted the report describing the Ordinance of 1784, Jefferson wrote that "the constant session of Congress can not be necessary in time of peace."[9] Under these circumstances it is not surprising that the chairman of the committee on western lands felt it necessary to give the new states of the West as much free rein as possible. Western states were to be perpetual members of the Confederation, not the union as we now know it.

The Constitution corrected the weakness inherent in the Articles of Confederation by granting many of the powers formerly left to the states to the central government. Regardless of whether members of Congress knew of the specific debates taking place in Philadelphia, they were aware of the mood of the Constitutional Convention.[10] The strength of the proposed national government made possible an enlarged role for the central government in territorial administration. The Ordinance of 1787 took advantage of this while retaining the promise of republican equality once statehood was achieved.

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[9]Jefferson to Marbois, 5 December 1783, in Julian P. Boyd, ed., The Papers of Thomas Jefferson, 26 vols. to date (Princeton, N.J., 1950-), 6:374.

[10]Edmund Cody Burnett, The Continental Congress (New York, 1941), 692-693.

Historians have debated everything from the authorship of the ordinance to its constitutionality.[11] In doing so they have followed a well-trodden path. The leaders of the early republic rarely agreed on any aspect of western policy. Passage of legislation did not simplify matters--almost every provision for the realization of western policy was likewise challenged. Sectional interests played an important role in setting the parameters of debate, though the character of dissent was often defined by ideological criteria.

It has often been charged that the Ordinance of 1787 was the quintessential product of a bureaucratic committee. Matters are further complicated by the frequently changing membership of the committee responsible for the ordinance. From 1784 until 1787 a total of thirteen men served on this five-member committee.[12] These "different" committees would often

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[11]For an excellent discussion of the historiography and the historical reputation of the Ordinance of 1787, see Peter S. Onuf, Statehood and Union: A History of the Northwest Ordinance (Bloomington, Ind., 1987), 133-152. One of the first critics of the constitutionality of the Northwest Ordinance was James Madison. He charged in The Federalist, No. 38, that the Confederation Congress had assumed unfairly its power to legislate for the western regions. The Northwest Ordinance, in his view, had been enacted "without the least colour of constitutional authority." See Edward Gaylord Bourne, ed., The Federalist: A Commentary on the Constitution of the United States (New York, 1947), 254.

[12]Of these thirteen men, four, Thomas Jefferson,

rearrange the work of their predecessors to suit their own views of western policy. The various working drafts of the ordinance at times appear almost unrelated. The text of the final document is a reflection of these changing priorities. However, the underlying principles were essentially those intended by Jefferson and Monroe.

Lack of direction is most evident in the organizational scheme of the ordinance, one of its more unusual attributes. The document may be divided into three sections, but the first section appears to be an afterthought. Rather than outlining the territorial government, it provides a detailed description of the inheritance law for those who die intestate. This section also includes the brief acknowledgment of the property rights of the French inhabitants of the Illinois region. Not until the middle section is the structure of the territorial government described, along with the duties, responsibilities, and terms of office of the governor and other principal officials. The six Articles of Compact, composing the final section, are an agreement

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James Monroe, Edward Carrington, and Richard H. Lee, were representatives of Virginia. George Washington did not serve on the committee, but his national reputation, together with his extensive personal experience in the West, led committee members to seek out his counsel and added weight to the opinions he offered.

between Congress and the future state governments of the region to protect the civil rights of the inhabitants.

Section One: Permanent Laws of Inheritance and Property

It is from the standpoint of stability that this oddly placed section on inheritance gains importance; in effect it encouraged widespread land ownership, an important republican principle. It recognized the right of all children--of both sexes and including those of previous marriages--to an equal portion of an estate.

It was not enough for Congress to simply demand that new states have republican governments, although Article V of the ordinance did include this prescription. In addition, a republican society had to be encouraged. As Jefferson and others realized, a wide distribution of wealth would promote a similar distribution of power. The "equal partition of inheritances" was vitally important if a government were to be "truly republican."[13] While Congress did not advocate a general redistribution of wealth, it was quite willing to alter

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[13]Thomas Jefferson, "Autobiography," Merrill D. Peterson, ed., Thomas Jefferson Writings: Autobiography, A Summary View of the Rights of British America, Notes on the State of Virginia, Public Papers, Addresses, Messages, and Replys, Miscellany, Letters (New York, 1984), 44-45.

the distribution of wealth under those circumstances that typically fell within the sphere of government.

When someone dies intestate it is customary for the local government to decide the future of his estate. In the seventeenth century most of the American colonies followed the English custom of primogeniture. However, by the eighteenth century this practice was subjected to increasing criticism. By the time of the Revolution many colonies had, through custom and statute, replaced primogeniture with a more equitable distribution scheme. Still, in most cases the eldest son could expect to receive a greater share than his siblings, and children from previous marriages were often neglected.[14]

The intestate inheritance section of the ordinance continued the reforms initiated by individual states and carried them through to their logical conclusion. In an early draft of the ordinance (1786) this section had included an explicit example that emphasized the right of daughters as well as sons to an equal share of intestate property.[15] Though the example was removed from the

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[14]Marshall Dee Harris, Origin of the Land Tenure System in the United States (Ames, Iowa, 1953), 61, 198, 319-320.

[15]The Committee consisting of Mr. Johnson, Mr. Pinckney, Mr. Smith, Mr. Dane, and Mr. Henry . . . submit the following report to the consideration of Congress. . . . (New York, 1786).

final draft, the intent to protect the inheritance of all children remained.

This 1786 draft is also interesting in its arrangement of the sections. Appropriately, the description of officials and their powers is first, followed by the Articles of Compact (without Article VI on slavery) and then the section on intestate inheritance.[16] When the two drafts are compared, it is apparent that their meaning is the same. The 1787 version is more concise, but it still retains the full intent of the 1786 version. The difference is in placement. The decision to begin the Ordinance of 1787 with the section on inheritance was deliberate; it was not due to the committee's disorganization, nor was it a last minute addition. This encouragement of widespread property ownership was intentionally republican and also eminently practical, as good republican legislation should be. The widow retained her traditional third, but no advantage was given to first-born sons or younger brothers.

Methods of conveyance and tenure were simplified as well. This greatly facilitated property ownership and transfer, an advantage for the family farmer as well as

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[16] Ibid.

for the land speculator.[17] Nathan Dane, the committee member responsible for this section, thought it "vastly important." And while this section could be repealed upon achievement of statehood, it was Dane's intention that the custom of equitable inheritance "take root in the first settlement" and thus become "permanent."[18]

This section also included a clause guaranteeing to "the french and canadian inhabitants & other settlers of the Kaskaskies, Saint Vincents and the neighboring villages who have heretofore professed themselves

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[17]Jay A. Barrett, Evolution of the Ordinance of 1787 (New York, 1891), 55-56.

[18]Nathan Dane to Daniel Webster, March 26, 1830, in Charles M. Wiltse, ed., The Papers of Daniel Webster, 15 vols. to date (Hanover, N.H, 1974-), III, Correspondence, 1830-1834, 43-48. In this same letter Dane claimed that he was the "framer of the celebrated ordinance." As the "only member of Congress living who had any concern in forming" the ordinance, his claim was unchallenged. But his role should be understood in the same manner as the carpenter who frames a house while following the blueprint and design of others.

Dane deflated the importance of Jefferson's "meagre, inadequate plan of '84." Monroe fared no better. Not only is he not mentioned, but Dane dismissed his plan of government as "not important." Most significant, Dane failed to acknowledge the guiding principles of both Virginians that were incorporated into the Ordinance of 1787.

Ultimately, Dane's claim rests on the fact that he literally wrote the final draft. In his letter to Webster he stated that he "never claimed originality, except in regard to the clause against impairing contracts, & perhaps the Indian article, [and] part of the 3d article."

citizens of Virginia, their laws and customs now in force among them relative to the descent and conveyance of property."[19] This assurance had not been included in either the Ordinance of 1784 or any of the intervening drafts, though it does partially replicate one of the conditions of the Virginia Act of Cession.

This guarantee is reflective of the supremacy of the national government. Under the Ordinance of 1784 it was not necessary to explicitly protect the rights of the inhabitants because it was assumed that they would do so themselves. Jefferson, as a member of both Virginia's congressional delegation responsible for the cession and the committee that drafted the Ordinance of 1784, would certainly have included this clause if he had thought it necessary. There is also a significant difference in the wording of the Ordinance of 1787 and that of the Virginia cession. Where the ordinance only protected certain property rights, the act of cession stipulated that these settlers were to "have their possessions and titles confirmed to them and be protected in the enjoyment of their rights and liberties."[20] Here the settlers were

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[19]Clarence Edwin Carter, ed., Territorial Papers of the United States, (Washington, D.C., 1934-), 2:40-41.

[20]The Virginia Cession of Territory Northwest of the Ohio [March 1, 1784]," in Boyd, ed., Jefferson Papers, 6:578-579.

explicitly protected in rights and liberties beyond those relating to property. Such a guarantee in the Ordinance of 1787 would have created conditions under which state laws, and to a limited extent state sovereignty, would have been superior to those of the nation. Under the Ordinance of 1784, which allowed a high degree of local sovereignty, such a guarantee was not necessary. Under the Ordinance of 1787 it would have been in conflict with the overall intention of the ordinance.

Section Two: A Temporary Territorial Government

Rather than leaving settlers to their own devices, the Ordinance of 1787 gave Congress a measure of firm control through the almost unlimited power of the territorial governor. His power was especially strong during the initial stages of territoriality. As commander in chief of the militia, the governor could appoint all officers below the rank of general officer, as well as any magistrates or civil officers he thought necessary. Together with three congressionally appointed territorial judges, he was responsible for promulgating the legal code of one of the thirteen original states for use in the territory. While this code could be repealed once statehood was achieved, it was expected that the

future state government would retain the legal system under which it was founded. Stability and continuity were also assured by a system of staggered terms for territorial officials.[21]

After the territory contained at least 5,000 adult "free male inhabitants," the governor was to authorize the election of a House of Representatives. This body would then nominate ten persons to Congress, of whom five would be chosen to serve on the Legislative Council. The Council and the House, together with the governor, formed the General Assembly, which elected the territory's single representative to Congress and was responsible for adopting laws for the territory, as well as initiating all money bills. As a member of the Assembly the governor could introduce legislation, and as senior executive officer he had absolute veto over its acts. He also had the power to "convene, prorogue, and dissolve" the Assembly whenever he thought such actions "expedient." These were the powers described by Monroe as "in effect a colonial government."[22] The prerogatives

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[21]Terms of office were two years for representatives, three years for the governor, four years for the territorial secretary, and five years for the Council. Judges were appointed for life. All appointed officials were subject to congressional recall.

[22]James Monroe to Jefferson, 11 May 1786, in Boyd, ed., Jefferson Papers, 9:511.

assigned to the territorial governor were very similar to those of a British imperial governor.

Although the governor's control over the Assembly was extensive, it was not unchallenged. The territorial delegate elected to Congress, while not allowed to vote, was permitted to take part in congressional debate. Presumably, he would also become familiar with Congress, its personnel, protocol, conventions, and connections. As an elected official, the territorial representative was in a position of more potential power than the territorial governor, who was subject to congressional recall at any time.

After serving as an "apprentice" representative, the territorial delegate would be an obvious candidate for election to Congress once statehood was achieved. Once again, stability and continuity are the key emphasis. The lesser status of territoriality was made much easier to accept by the built-in provision for its end. As soon as a district had a population of 60,000 it was to be admitted to the union as a full and equal partner with the original thirteen states. This clear means of ending territoriality did much to assuage bitterness over the loss of republican rights experienced by a citizen moving

to the territory from one of the older states.

At the same time, the territorial status altered the future state's relationship with the federal government. Unlike the Ordinance of 1784, which allowed settlers a greater voice in their own government, thus encouraging a loyalty to the state potentially greater than loyalty to the nation, the Ordinance of 1787 first made territorial citizens subject to the federal government through its appointed officers. In this manner, the superiority of the federal government and federal citizenship were clearly established.

Section Three: A Permanent Bill of Rights

The Six Articles of Compact were intended by Congress to form the foundation of "all laws, constitutions, and governments" of the territory and to provide for the "establishment of States" as full and equal members of the Union.[23] Congress also had the option to offer statehood to a territory before this threshold population was reached should circumstances warrant such action.

Article I. Religious worship was not to be "molested" so long as such worship was conducted in a "peaceable and orderly manner." Notably, this article

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[23]All quotations within descriptions are taken from the appropriate article of the ordinance.

did not provide for complete freedom of religion but only freedom of worship, qualified in the interests of order. This was not the first time religious liberties had been protected in the old Northwest. The religious, civil, and property rights of the French inhabitants had been guaranteed by the state of Virginia in 1780 when it organized the region into a county.[24]

Article II. The legal rights of the inhabitants were fully protected in a manner strongly reminiscent of Virginia's Declaration of Rights.[25] Habeas Corpus, trial by jury, moderate fines, and the right to bail were guaranteed. "Cruel and unusual punishments" were prohibited. Proportional representation insured that the legislature would be responsive to the electorate. The remainder of this article was devoted to the preservation of property rights; citizens whose personal property was taken for public use were to be completely compensated. It was further suggested "that no law ought ever to be made, . . . that shall, in any manner whatever, interfere with, or affect private contracts, . . . previously

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[24]William Waller Hening, ed., The Statutes at Large: Being a Collection of all of the Laws of Virginia (Richmond, Va., 1821), 9:553.

[25]"A Declaration of Rights made by the representatives of the good people of Virginia, . . ." June 12 1776, in ibid., 9:109-112.

formed."

This clause may be the result of congressional concern over Shays's Rebellion. Committee member Nathan Dane must have been painfully aware of this uprising in his home state. And as an eastern lawyer he doubtless had little sympathy for the debt-ridden western farmers. The disdain in which they held the legal profession combined with their readiness to interfere with the due process of law through the force of arms must have especially damned them in Dane's eyes.[26]

Debt relief was a consistent theme of the Shaysites. In Massachusetts there had earlier been a movement for a government moratorium on the payment of legal obligations. Merchants who would be adversely affected by a debt moratorium considered such an action to be outside the proper sphere of government. As William Pynchon and others instructed Springfield's representative to the General Court, "no government can

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[26]As a member of Congress, Dane believed it improper for him to speak out too strongly on what was, strictly speaking, a state affair. "He alluded," however, "to the late commotions" in Massachusetts and expressed a desire "to see the government again restored to its former firmness and order." (Nathan Dane, "Address Before the Massachusetts House of Representatives" [Nov. 9, 1786], in Burnett, ed., Letters of the Members of the Continental Congress, 8:504-505. See also, Dane to Thomas Dwight, 12 March 1787, ibid., 8:556.)

possibly have a right to alter private contracts, already made."[27] Living in an economy that relied heavily on credit, they felt the creditors should be protected. By including this clause to protect private contracts, Congress warned insolvent farmers away from the volatile frontier.

However, it was only a warning, not an injunction. The qualifying verb "ought" implies that the framers did acknowledge that there were indeed times when such drastic measures might be necessary. Before the constitutional prohibition on state interference with contract responsibilities, most of the thirteen states had initiated some form of legislative debt relief. Such actions usually took one of three forms: installment laws allowed payments to be divided and then made over a period of time; stay laws postponed payment beyond the original contract period; and commodity laws allowed payment in a specified commodity rather than in specie.[28] Any of these measures would impair a merchant's ability

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[27]William Pynchon, Thomas Stebbins, Reuben Bliss, and Thomas Williston to Samuel Lyman [Springfield representative to the General Court], as quoted in David Szatmary, "Shays' Rebellion in Springfield," in Michael F. Konig and Martin Kaufman, eds., Springfield, 1636-1986 (Springfield, Mass., 1987), 53.

[28]Steven R. Boyd, "The Contract Clause and the Evolution of American Federalism," William and Mary Quarterly, 3d Ser., 44 (1987), 534.

to do business, for he also bought on credit. When faced with the loss of much of his expected revenue he would be inclined to agree with Manasseh Cutler's hyperbolic assessment of Shays's Rebellion: the "commonwealth" of Massachusetts, he feared, stood "on the very border of anarchy."[29] Cutler later assisted the government by recruiting for General Lincoln's army, that marched against the insurgents.[30]

Cutler's alleged participation in drafting the Ordinance of 1787 is one of the minor debates surrounding it. Cutler, General Rufus Putnam (who also fought against Shays) and General Samuel Parsons were the directors of the Ohio Company, a speculative enterprise formed by several Massachusetts Continental officers for the purpose of settling veterans and others on the Ohio frontier.[31]

In the spring of 1787, while the ordinance was under consideration, the Ohio Company petitioned Congress to purchase several million acres beyond the seven ranges

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[29]Manasseh Cutler to Winthrop Sargent, Oct. 6, 1786, as quoted in David Szatmary, Shays' Rebellion: The Making of an Agrarian Insurrection (Amherst, Mass., 1982), 72.

[30]Ibid., 89.

[31]Ibid., 86; Barrett, Evolution of the Ordinance of 1787, 46.

that had already been surveyed.[32] Cutler personally visited Congress on July 6 to argue the company's position. While there, he received a draft copy of the ordinance upon which he indicated several changes he would like to see. He later noted in his diary that all except one were incorporated into the ordinance. Unfortunately, this is the only concrete evidence for Cutler's role in the ordinance. Cutler's contribution may be justifiably narrowed to those portions of the ordinance not borrowed from earlier drafts. This elimination, coupled with his role in Shays's Rebellion, points toward the contract clause. The qualifying phrase "ought not" used to introduce this section may be explained by Congress' reluctance to fully adopt Cutler's suggestion. It is also possible that Cutler had some input into the third Article. However, both Articles Two and Three may also be attributable to Dane, likewise from the Bay State and equally familiar with both Shays's Rebellion and the importance New Englanders placed on virtuous behavior.[33]

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[32]Merrill Jensen, The New Nation: A History of the United States During the Confederation, 1781-1789 (New York, 1950), 355-56.

[33]Dane claimed authorship of these two articles. However, in light of their late addition to the ordinance it is possible that Dane added them at Cutler's insistence. It is also possible that Cutler pressed for the reintroduction of the ban on slavery found in Article

Article III. "Religion, morality, and knowledge, being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged." This article, together with the Land Ordinance of 1785, gave public education a solid foundation in the territory. The "rights, property, and liberty" of the Indians are also protected, except in the case of "just and lawful wars authorized by Congress." While expressing a republican ideal, this last passage is probably primarily indicative of Congress' concern for the prevention of costly and inopportune wars.

It is because of the Land Ordinance that both sections of this article were functional. Not only did that ordinance reserve Section 16 of each township for the support of education, but it also decreased Indian/white conflict through separation. By requiring that lands be surveyed prior to settlement, the Land Ordinance put a brake on unchecked immigration, thereby lessening the pressure on Indian lands.

Article IV. The territory and those states formed from it were to be permanent members of the Union, with all the rights and responsibilities such membership entailed. As equal members of the Union, new states

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VI. See note 7 above.

would be required to honor their share of the national debt. Taxation of federal property was forbidden, and absentee landowners were protected from being taxed at a higher rate than resident land owners. All navigable streams and portages between them were reserved for public use in perpetuity.

Article V. The number of new states was limited to between three and five, with boundaries corresponding roughly to modern state boundaries.[34] At both the state and territorial levels governments were required to be republican and were also bound to uphold the principles of the Articles of Compact. Statehood was guaranteed once the territory achieved of population of 60,000, though Congress could elect to allow an earlier admission if it were deemed in the interests of the Confederation to do so. Large territories would meet the minimum requirements much sooner than the smaller territories stipulated by the Ordinance of 1784.

Article VI. Slavery and involuntary servitude were prohibited except as a punishment of crimes. Fugitives--

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[34]Congress intended to free the northwest from the sort of acrimonious boundary disputes that had plagued many of the original thirteen states by including a precise description of the future state's boundaries. Those borders were modified in later years by Congress and by individual states. See Onuf, Statehood and Union, 88-108.

presumably this applied primarily to escaped slaves--could be "lawfully reclaimed and conveyed to" their place of legal servitude.

Historians have thoroughly debated this article. Its origins, purpose, and effectiveness have all been called into question. Nathan Dane, who claimed responsibility for its last-minute addition, was amazed at its easy acceptance. He was not, however, the originator of the idea.[35]

Jefferson first proposed that slavery be eventually banned in the West in a draft of the Ordinance of 1784. If Dane's Article VI is compared with Jefferson's earlier clause the two are remarkably similar. It is, in fact, easier to enumerate their differences. Jefferson's clause restricted slavery throughout the national domain after the year 1800. Dane's appeared to take effect immediately but was limited to the Northwest Territory. Only the 1787 document included a provision for the return of fugitives. Beyond this, Dane's Article VI was taken almost word for word from the earlier ordinance.

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[35]Dane to Webster, 26 March 1830, in Wiltse, ed., Webster Papers, 3:43-48. While Dane acknowledged Jefferson's attempt to exclude slavery after 1800, he failed to note that it would have applied to all the West, including the cessions of south of the Ohio, where Dane himself voted to admit slavery.

The legal expertise of Dane may be called into question by the haphazard manner with which the slavery clause was attached to the Ordinance of 1787. Conflicting language in the remainder of the ordinance was not removed. No provision was made for the enforcement of the anti-slavery clause, nor was any indication given who would be responsible for its enforcement.[36]

Still, there remains the seemingly inexplicable southern support for this clause. Slavery was important in the South of 1787 though it was not unique to that region, nor was it yet the crucial litmus test of sectional identity that it would become in later years. Sectional issues of the Revolutionary era were usually framed in terms of commercial and producing states. The West, as a potential agricultural region, was thus considered a natural ally of the plantation South. With the West already inclined to support the South because of this common bond, Southerners were willing to restrict slavery as a means of lessening competition in staple agricultural products such as tobacco and hemp.[37]

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[36]If these basic problems were solved there still remained the problem of funding the clause's enforcement. See Paul Finkelman "Slavery and Bondage in the 'Empire of Liberty,'" in Frederick D. Williams, ed., The Northwest Ordinance: Essays on its Formulation, Provisions, and Legacy (East Lansing, Mich., 1988), 72-77.

Slaveowners were protected by the "fugitive" clause.

While the Northwest was to be a free territory, Congress

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[37]William Grayson to Monroe, 8 August 1787, in Burnett, ed., Letters of the Members of the Contintental Congress, VIII, 631. See also Drew McCoy, "James Madison and Visions of American Nationality in the Confederation Period: A Regional Perspective," in Richard Beeman, Stephen Botein, and Edward C. Carter, II, eds., Beyond Confederation: Origins of the Constitution and American National Identity (Chapel Hill, N.C., 1987), 236-237, and Peter S. Onuf, Statehood and Union: A History of the Northwest Ordinance, (Bloomington, Ind., 1977), 111-113. As noted in the Introduction, it has been argued that this article was part of a sectional trade-off. See Staughton Lynd, "The Compromise of 1787," in Lynd, Class Conflict, Slavery, and the United States Constitution (Indianapolis, Ind., 1967), 185-213. In return for northern support of the three-fifths clause of the Constitution, southern delegates at the Confederation Congress agreed to the banning of slavery in the Northwest Territory. Lynd finds support for this possibility in a reference in Manasseh Cutler's diary to a certain Mr. Hamilton. Assuming this was Alexander Hamilton, Lynd suggests that these two men engineered a sectional compromise that also served the needs of the Ohio Company. The inexplicable nature of southern support for a ban on slavery also lends weight to Lynd's hypothesis. However, to suggest that southern sectionalism has always been grounded in advancing the sphere of slave labor is to allow the powerful arguments of the nineteenth century to intrude into a time when their validity is more easily challenged. Sectionalism was present, and slavery was often a part of sectional differences. But as Drew McCoy has ably argued, it was not the critical factor in sectional identification. (McCoy, "Madison and Visions of American Nationality," 236-237.)

Lynd does acknowledge other reasons for southern support such as the fear of competition from the agricultural produce of the Northwest and the implicit guarantee of slavery's protection in the Southwest. Drew McCoy considers these latter points more important than the possible compromise. He contends that the crucial difference was between the "carrying states" of New England and agrarian remainder of the nation. Within this scheme the agricultural West would naturally ally itself with the agricultural South. Both arguments

did not intend it to become a haven for runaway slaves.

The Ordinance of 1787 was intended to provide "for the government of the Territory of the United States northwest of the River Ohio." For that limited purpose it must be judged a success. The development of the old northwest surpassed all expectations of the time. The ordinance was also successful beyond the bounds of the territory for which it was initially prescribed. With modifications, the principles of the ordinance were used in the governance of all United States territories until the Civil War. Ultimately, the most important provision of the ordinance was its well-defined program for the eventual inclusion of territories within the union as full and equal members.

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highlight the importance of eastern sectional politics in determining western policy.

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